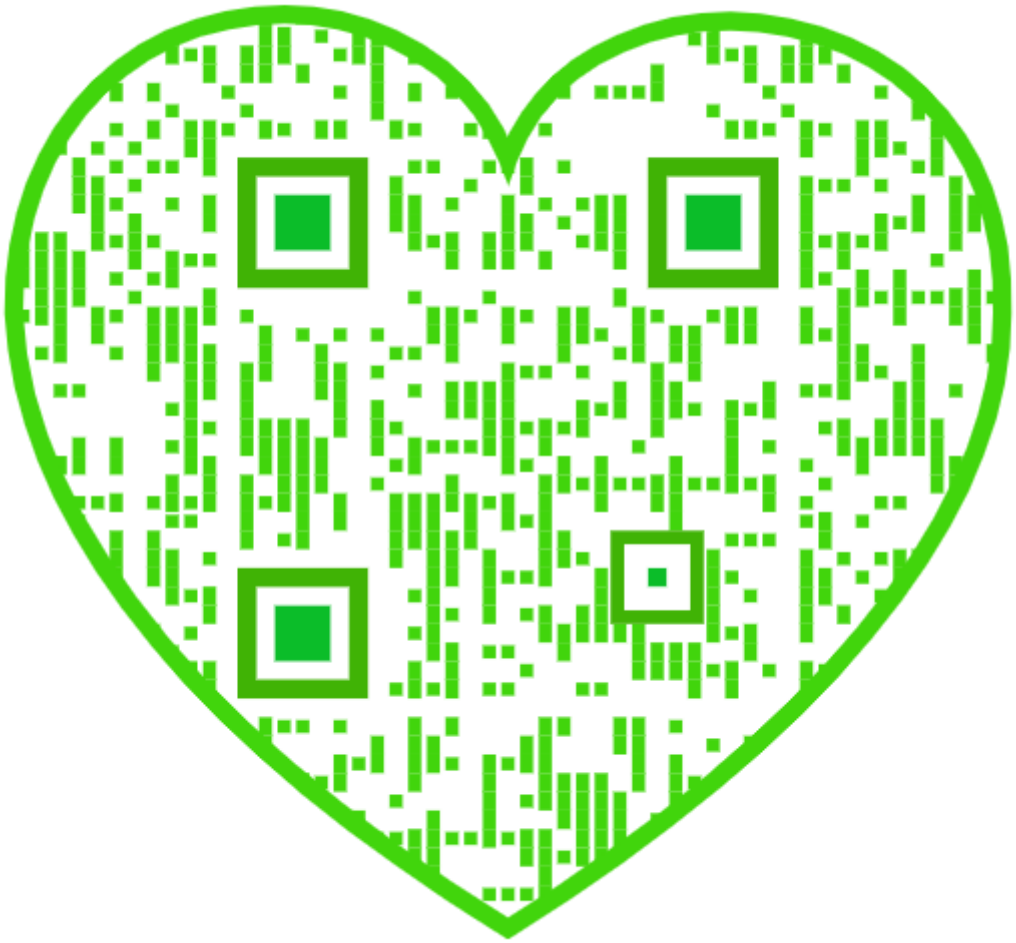

MARY CUSTIS LEE

CHAPTER
No. 1884

UNITED DAUGHTERS OF THE CONFEDERACY

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JUNE 3, 1928

TO THE STUDENT OF OUR NATION'S HISTORY, THERE IS NO CHAPTER MORE INTERESTING OR THRILLING, THAN THE STORY OF THE SOUTH AND THE GREAT ROLE IT HAS PLAYED IN OUR NATIONAL DEVELOPMENT.

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POLITICAL HISTORY

OF THE

SOUTHERN STATES.

THE SOUTH *in the* Building *of the* Nation

A HISTORY OF THE SOUTHERN STATES DESIGNED *to* RECORD *the* SOUTH'S PART *in the* MAKING *of the* AMERICAN NATION; *to* PORTRAY *the* CHARACTER *and* CONDITIONS *of the* PEOPLE; *the* ACHIEVEMENTS *and* PROGRESS *and to* ILLUSTRATE *the* LIFE *and* TRADITIONS *of the* SOUTHERN PEOPLE

PATRICK HENRY BEFORE THE HOUSE OF BURGESSES.
Virginia, 1765.

VOLUME IV

COMPLETE IN TWELVE VOLUMES

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Political History *of the* South

VOLUME IV

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PREFACE.

THIS volume has been prepared for the purpose of giving the general reader a concise and accurate account of the most important political developments with which the South has been concerned since the beginning of its history. No space has been devoted in its pages to topics of a local nature whose influences have been restricted within the limits of any particular colony or state. On the other hand, many topics of a general nature have been eliminated because they are lacking in political significance. The value of each contribution has been tested by its strict conformity to these limitations.

The work has been planned with a purpose of treating the political relations of the South from three general points of view. The first of these deals with the inter-relations among the Southern colonies and states. Although these relations have not been uniformly harmonious, it will be noted that with the development of common interests there came a corresponding growth of sympathies which finally resulted in the formation of a compact political unit. But the unification of political sentiment in the South was due more to the operation of external forces that menaced Southern institutions than to any internal development. It is, therefore, necessary to treat the intersectional relations and their effects upon the South. The most tragic phase of American history is that which relates to the estrangement between the sections in spite of the efforts of their greatest patriots and statesmen. Careful attention is directed in this volume to the

acute points of sectional irritation and to the steps in the growth of conflicting interests and policies which ultimately culminated in the rupture of the Union. A third phase of the political history of the South deals with its wider relations. This volume attempts to treat in a comprehensive way the relations of the Southern colonies as a whole with the mother country, noting particularly the important part which they contributed toward the revolt against British authority and the establishment of American independence. Much space is also devoted to the relationship between the Southern states and the government of the United States. Attention is especially directed to their services in the formation of the Confederation and of the "more perfect union," and in supporting and upholding the dignity of the Federal Union at home and abroad; also to their attempt to organize and maintain an independent government with a constitution that conformed to their interpretation of the fundamental law of the United States, and to the readjustment of their relations to the National Government after the War of Secession.

The editor of this volume makes grateful acknowledgment of the important services of the scholarly contributors, too numerous to mention separately, whose hearty coöperation and valuable assistance have greatly aided in the execution of his plans.

F. L. R.

PART I.

THE SOUTH IN COLONIAL POLITICS, 1607-1775.

Chapter I.

THE SOUTHERN INTER-COLONIAL RELATIONS.

The South Represents the Beginnings of England's Colonial Empire.

THE political history of the South involves an immense study, and for a number of years this field has been attracting the attention of historians. To appreciate thoroughly its significance in American politics a glance at colonial conditions in the South becomes necessary.

At the close of the Fifteenth century Spanish explorers were just entering the western hemisphere. The region explored by them was the South, that is, South America and the southern portion of North America. The Sixteenth century saw the Spaniards, under the direction of Ponce de Leon, occupying Florida, under Cortez entering Mexico, and under De Soto traversing the region between Florida and the Mississippi River, crossing the great river and proceeding as far west as northwestern Arkansas. The middle of the Sixteenth century saw Jean Ribault planting a French colony in the present state of South Carolina, to be destroyed in a few years by

the Spaniards of Florida. Spanish aggression, therefore, seemed destined to make the new hemisphere a great Spanish colonial empire.

The first point to be considered in colonial politics was the movement on the part of England to erect a barrier in America to the further building up of the colonial possessions of Spain. The English had a vague claim to the Atlantic coast based upon the explorations of the Cabots, hence the occupancy of Florida by the Spaniards followed by their expulsion of the French from South Carolina caused apprehension in England, though the English were not yet ready to begin their colonial system. Internal affairs, chiefly religious dissensions, in the days of Henry VIII., Edward VI., Mary, and the early years of the reign of Elizabeth, prevented the English from developing colonies during the Sixteenth century. The middle of the reign of Elizabeth, however, saw peace at home and England deeply interested in continental affairs. This at once brought her into relations with Spain, which was hostile because Philip of Spain was greatly disappointed that he had not become King of England. As the husband of Mary, he had hoped to secure the English throne. But when Mary died without an heir and Elizabeth rejected his suits, Philip was impressed by the fact that he was the nearest male descendant, being a Catholic, of Edward III. The death of Mary, Queen of Scots, left him the nearest Catholic descendant of Edward III. He regarded Elizabeth as an illegitimate daughter of Henry VIII., and consequently, claimed the throne of England. To be sure these claims were made chiefly because there was friction between the two realms, a condition of discord caused by English merchantmen trying to get possession of the large trade which had previously gone to Spain. Hawkins and Drake were

gentlemen pirates, and wherever they went on the high seas they seized the Spanish galleons returning from the new world laden with booty seized from the Indians or secured from the mines of Cuba and South America. Their action incensed the Spaniards and made greater the differences between the two nations.

Sir Humphrey Gilbert and Sir Walter Raleigh, courtiers though they were, were real statesmen, and saw that England's hope of outstripping Spain was the planting of colonies in the new world. Antagonism to Spain, however, was not the only cause to produce a desire for colonization, but the spirit of adventure, increased by the English hope of acquiring a large commerce, was an important factor in the new movement. Gilbert planted a colony in Newfoundland, but on account of failure to understand conditions was forced to abandon it. Shortly after his death, Sir Walter Raleigh, his half-brother, received a grant to a large territory in America. His charter was much like the one granted to Gilbert. Before attempting to plant a colony, Raleigh wisely sent two captains, Amadas and Barlow, to select a site for a colony. They explored the region around Albemarle Sound and returned to England with glowing reports. Thereupon, Raleigh made two efforts to plant a colony on the coast of North Carolina at Roanoke Island. The first colony was taken home by Sir Francis Drake, while the second colony perished because the English were not in a position to send supplies at the time needed, being engaged with the dreaded Spanish Armada. When finally assistance was sent, no traces of the settlers could be found. Thus perished in 1590 Raleigh's attempts to colonize the new world.

Raleigh's efforts, however, served to stimulate the commercial activity of England. Within a few

years the East India Company received its charter from Queen Elizabeth, and began its wonderful and successful career. This led some merchants, aided by a few pious persons who believed that the colonization of America would establish havens for the poor and result in the conversion of the "infidel" Indians to Christianity, to secure in 1606 from King James a charter to colonize Virginia. At that time the English claimed all along the Atlantic coast from 34 to 45 degrees of latitude running west from sea to sea. Under the charter from King James, this territory was assigned to two companies, from 34 to 41 to the London Company and from 38 to 45 to the Plymouth Company, with the understanding that in the three overlapping degrees whichever company made a settlement within that region first the other company would not have the right to enter within one hundred miles. It was further determined that when a settlement had been made the jurisdiction of the company should be fifty miles north and south of that point and one hundred miles from the sea.

Under this charter, the London Company planted a permanent settlement at Jamestown in 1607. In 1609 a new charter was secured, making the London Company a body politic. The territory granted to the Virginia Company under this latter charter, roughly speaking, extended from the 34th degree of latitude to the 40th degree of latitude, and west and northwest from ocean to ocean. In other words, it extended along the Atlantic Ocean from the mouth of the Cape Fear River to a point about fifty miles north of the present Atlantic City on the New Jersey coast. If a line were extended west from the southern point and northwest from the northern point, Virginia would have had a vast territory from which no less than thirteen states have been made this side of the Mississippi, not counting any possi-

bility of claim of territory west of the Mississippi. Thus began England's colonial empire.

Maryland the First Step in the Dismemberment of Virginia.

So long as the London Company existed, no effort was made to take from Virginia any of the territory granted under its charter, but after it became a royal province in 1624, dismemberment began. In 1629 there came to Virginia a Catholic Lord, George Calvert, Baron Baltimore, to prospect the lands lying along the Chesapeake Bay, for he was planning a settlement in this region. The king had promised him a grant of land south of the James, but William Claiborne, secretary of the colony of Virginia, was sent to England to protest against its confirmation. His mission was successful, but in 1632 a grant was made the second Lord Baltimore for a certain tract of land north of the Potomac River which was described as *hactenus inculta* and inhabited by savages.

Colonial Relations of Maryland and Virginia.

Within the bounds of this grant was Kent Island, already inhabited, having been settled in 1629 under a license from the Virgina government by William Claiborne. For some years Claiborne had been trading with the Indians along the head waters of the Chesapeake, and, in 1631, having formed a partnership in London, he had obtained a special license from the king confirming his trading privileges. This license, however, was granted under the seal of Scotland and not under the seal of England. Under these grants and licenses, the colony of Virginia, or rather Claiborne, claimed Kent Island. Virginia entered a protest against the charter granted to Lord Baltimore in 1632, but was answered by the Star Chamber to leave Lord Baltimore to his charter and

the other parties to the course of law. This was a decision against Virginia, not against Claiborne, because his island could not be classified as *hactenus inculta*. Claiborne, however, had made no plea, hoping that Virginia's fight would settle the matter. As soon, however, as the Star Chamber's decision was rendered, he and his partners petitioned to the king and council for protection of their interests. This was in November, 1633. When the settlers reached Maryland in 1634, the colonists received instructions not to interfere with Claiborne and to give him encouragement in his enterprise, but by no means did Lord Baltimore give up his claim to Kent Island. The king, fearing trouble in the new world, wrote to the governor of Virginia asking that Lord Baltimore's settlers be graciously received and given the privilege of buying cattle and other commodities in Virginia. In a month after Lord Baltimore's first colony was planted in Maryland, William Claiborne asked the Virginia council what he should do with respect to Lord Baltimore's patent. The councillors answered that they did not see why such a question should be asked, as Kent Island was undoubtedly a part of Virginia. Thereupon, Claiborne refused to consider himself a member of the Maryland colony or to give up his right to trade in the waters of the Chesapeake.

The Marylanders claimed that Claiborne incited the Indians to hostility against them. Thereupon, commissioners representing the two colonies met and completely vindicated Claiborne. Lord Baltimore, however, ordered his brother, Leonard Calvert, the governor, to seize the person of Claiborne and to take possession, if possible, of the plantation on Kent Island. The dispute over Kent Island was then taken to the king, Claiborne's London partners informing the king that Lord Baltimore was about

to seize Kent Island, whereupon the king wrote to the governor and council of Virginia stating that Baltimore had no rights to lands already inhabited and could not interfere with the license and trade that Claiborne enjoyed. Under this assurance, Claiborne continued to trade in the waters of the Chesapeake, but a collision soon took place between a vessel belonging to Claiborne and two from St. Mary's. Governor Harvey, of Virginia, sustained the Marylanders, and this with other causes resulted in his removal from the governorship by the council and people of Virginia and in his being sent to England. On reaching England, Harvey said that Virginia undoubtedly had in mind the subjection of Maryland, but the new government established in Virginia under Captain West made no effort against Maryland. It is interesting to note, however, that Lord Baltimore, realizing that the king would not uphold the appointment of West as governor of Virginia by the Virginia council, actually made an effort to get himself appointed governor of Virginia, saying that he would increase His Majesty's revenue from Virginia £8,000 yearly.

In 1637 Kent Island was surrendered through the treachery of Claiborne's agent to Leonard Calvert. Two of the principal men on the Island were arrested and taken prisoners to St. Mary's and warrants were issued for the arrest of others, while much of the property belonging to Claiborne was pillaged and carried away. Thomas Smith, one of the men arrested, was tried for piracy and hanged. The Maryland Assembly passed a bill of attainder against William Claiborne and declared him guilty of piracy and murder, and all of Claiborne's property on Kent Island and Palmer Island was attached and appropriated to the use of the Lord Proprietor. In the meantime, the whole case was being reviewed

in London by the Lords Commissioners of Plantations, and on April 4, 1638, a decision was rendered declaring the "right and title to the Isle of Kent and other places in question to be absolutely belonging to Lord Baltimore." An important point in reaching this decision was that anything granted under the *seal* of England took precedence over anything else, and, therefore, that Claiborne's license from Virginia or his license from the Crown under the *seal* of Scotland could not be pleaded against a grant under the seal of England. Moreover, Claiborne received no redress for his property that was destroyed.

In 1644, in the midst of the Civil War in England, Claiborne seized Kent Island, and almost simultaneously the Parliamentary party in Maryland drove Leonard Calvert from the colony. When the commonwealth was established in England under Cromwell, commissioners, one of whom was Claiborne, were appointed to subjugate Maryland and Virginia. In 1652 Virginia yielded to the commonwealth, whereupon the commissioners proceeded to Maryland and secured its submission, and ignored the rights of the Proprietor. No reference whatever was made to Kent Island. Claiborne returned to Virginia, and did not interfere with the affairs of Kent Island. The Virginians doubtless planned to secure Kent Island for Claiborne; for when Lord Baltimore petitioned to the Council of State in England to restore his rights, the Virginians sent a delegation urging that Maryland should not be returned to Lord Baltimore. Among the reasons given was that the Maryland charter was an infringement of the rights of the colony of Virginia; and that it comprehended only unsettled land, whereas Kent Island had been settled under the Virginian government before the name of Maryland

had been heard of. But in spite of the opposition of Virginia, Lord Baltimore's proprietary rights were recognized in 1657, and Virginia's hope of securing any control over Maryland or even over Kent Island by its restoral to William Claiborne was at an end.

During the colonial days, Maryland and Virginia had some difficulties over their boundary lines. Commissioners were appointed to locate Watkins Point as early as 1659, and in 1670 the southern boundary was run by Calvert of Maryland and Scarborough of Virginia. Disputes in the later colonial period arose as to the western boundary and were never settled till, in 1852, the Maryland Assembly conceded Virginia's claim.

Virginians and Marylanders were brought into close relation in dealing with the Susquehannock Indians. With these the Marylanders had come into friendly relations in 1634 and a treaty was made with them by Leonard Calvert. This treaty was broken and again renewed, so that generally speaking the relations were friendly. In 1675, however, the Five Nations had nearly annihilated the Susquehannocks, who went southward and gave great trouble to the settlers on both sides of the Potomac. Some Marylanders under Major Thomas Truman, assisted by Col. John Washington with some Virginians, went against the Susquehannocks and attacked them on the Maryland side in an old blockhouse. A conference was held with the Susquehannocks, who denied that they were the guilty parties, but the envoys were clearly proven to have lied and Major Truman caused them to be put to death. The Major was impeached by the Maryland Assembly and for his breach of faith removed from his seat in the council. Truman's action infuriated the Indians and they joined with other Indians in Vir-

ginia, making raids, in one of which an overseer of Nathaniel Bacon in Virginia was killed, and out of it grew Bacon's Rebellion.

In 1743 Maryland and Virginia had disputes with the Five Nations, and a conference was held that year at Lancaster, Pa., presided over by Governor Thomas, of Pennsylvania. The Marylanders claimed that all the lands which they held they had bought from the Susquehannocks. The Virginians claimed that the Five Nations had no claims whatever against them, but the matter was settled by Maryland paying £100 in gold and Virginia paying £200 in goods and £200 or £300 in gold in satisfaction of all claims of the Five Nations. Thus were Virginia and Maryland brought into close relation by the Indian matters. In this connection it is interesting to note that Spotswood and others on account of the difficulties with Indians in all parts of America freely discussed colonial union for settling Indian matters.

The Carolinas the Second Step in the Dismemberment of Virginia.

A second dismantling of Virginia took place when in 1663 Charles II. granted Carolina to eight proprietors. This grant included all lands lying between 36 and 31 degrees of latitude (two years later fixed at 36° 30′ and 29°), running from sea to sea. It, therefore, took from Virginia the strip lying between 36° 30′ and 34° of latitude. Sir Robert Heath had received in 1629 a grant to practically the same land which was called Carolina, though he made no attempt to settle it. However, the northern part had been settled before 1663 by immigrants from Virginia. About 1653 a small band of immigrants from Virginia settled in the region along Albemarle Sound and River, and others were en-

couraged by the laws of Virginia to go there. When the proprietary grant of 1663 was made, Governor Berkeley of Virginia was one of the proprietors. Some New Englanders about 1660 settled on Cape Fear River, but they were soon absorbed by the Albemarle settlement. In 1670 a settlement was made on the Ashley River from which South Carolina developed.

Colonial Relations of Virginia and the Carolinas.

The first governor of the Northern, or Albemarle colony, was William Drummond, of Virginia, appointed by Governor Berkeley. There was much effort made against the will of the Virginians to get settlers from Virginia, and we hear of serious complaint because North Carolina would not allow debts to be collected against those persons who had emigrated there. The liberties allowed in North Carolina are well illustrated by Byrd's account that in fixing the dividing line between Virginia and North Carolina the frontiersmen were glad to be thrown on the North Carolina side because they belonged chiefly to the debtor or runaway indented servant class. Noteworthy is the fact that one of the acts of the legislative assembly established in the Albemarle colony was to exempt all new settlers from taxes for one year, and to allow only permanent settlers in the colony to trade with the Indians. These laws were, of course, very obnoxious to Virginians, who spoke of the Albemarle colony as a "rogue's harbor." An important act of the North Carolina legislature also was that no settler should for the space of five years be sued for any debts contracted out of the colony. North Carolina also imposed a tax on Virginia traders in that colony, while Virginia taxed tobacco imported from North Carolina on the grounds that it was an inferior article and that if it

were admitted it would break up Virginia's inspection system. The English Lords of Trade declared Virginia's act invalid.

Virginia's interference in the affairs of North Carolina is shown by Governor Berkeley's causing one Miller to be arrested in North Carolina for making a seditious speech and to be carried to Virginia and tried. He was acquitted, however; went to England and was returned to North Carolina as secretary and king's commissioner of customs. Virginia again showed an inclination to meddle when Chicheley prepared to furnish troops to Governor Eastchurch to eject Culpepper, who had deposed Miller. Fortunately Virginia troops were never actually carried to North Carolina, for Eastchurch died in the meantime. In 1704 one Thomas Cary was acting governor of Albemarle and tried to enforce the test oaths in Carolina, but the Quakers refused to take them. After some years of turmoil he was removed and Edward Hyde was made governor. Cary made strenuous efforts to secure the election of his friends to the Assembly, and, failing in this, he claimed that the election was illegal and set up a rival government. Thereupon, Hyde appealed to Virginia for help. A force was sent by Spotswood which drove Cary into the wilderness, and soon after he was captured in Virginia and sent to England, where he was tried for treason, but acquitted.

In 1711 the Indians in the Carolinas rose and murdered a great number of the whites. On the appeal of the North Carolinians forces from South Carolina were promptly sent, but the Virginia troops only went to the North Carolina border. However, Spotswood secured the release of some of the North Carolinians from the hands of the Indians, and he would have sent troops into the colony had not the Virginia Assembly refused to vote the necessary

funds. His efforts, however, prevented the uprising of the Indians in the northern and western part of the colony. After several years of war, the Tuscaroras migrated to New York and peace was restored. The affair could have been handled more satisfactorily had there been an agreement among the colonies for defense against Indian uprisings.

Ever since the planting of the Albemarle colony, disputes had existed between Virginia and North Carolina as to the actual line of division and it was almost impossible to regulate affairs on the frontier. The situation became so bad as to the enforcement of the laws that in 1709 commissioners were appointed by both North Carolina and Virginia to run the boundary line. Nothing was done by these commissioners, as the representatives of North Carolina were unwilling to abide by the survey of the inaccurate instruments of the Virginia surveyors. In the territory in dispute taxes could not be collected by either colony and the king's quit rents were unpaid, so in 1728 George II. ordered that the dividing line should be run. North Carolina and Virginia thereupon appointed commissioners and the line was run as far as the mountains. One of the Virginia commissioners was William Byrd, whose *History of the Dividing Line* is a most interesting account of his observations in North Carolina, but is undoubtedly overdrawn.

The relations between Virginia and South Carolina were meagre. When the first colony was planted near Charleston, it had instructions to procure cattle for Virginia. Governor Johnson's report of 1708 shows that South Carolina received some of its European commodities by trade with Virginia. In 1715 the Yamassee Indians of South Carolina rose against the English and the colony solicited Virginia's assistance. Arthur Middleton was dis-

patched to Virginia and secured from Governor Spotswood 150 troops, but on terms not pleasing to South Carolina. It was agreed that South Carolina should pay the transportation of the troops both ways, pay an old debt which she owed Virginia, and pay each soldier £4 per month while in service in South Carolina. The Carolinians were unable to meet these obligations and sent the Virginia troops home, but Spotswood complained to the Lords of Trade of this liability of South Carolina.

Colonial Relations of North Carolina and South Carolina.

The relations between North and South Carolina were far from being friendly, though until 1719 they were united under one proprietary. The northern colony wished its own distinct government, while the southern desired the same privilege. An effort was made to keep both of the colonies together under the fundamental constitutions of John Locke. This document was too feudal in its plan and was a dismal failure. At times the two colonies were under the same governor and again separated, but in nearly all cases there were separate deputy governors, and each colony had a separate legislative assembly. To South Carolina in the early days of the colony came settlers from the Bahamas and the Barbadoes, and later came French Huguenots and Scotch Presbyterians.

To the aid of North Carolina against the Indians, South Carolina sent, in 1711, a force of whites and friendly Indians numbering about 500 under Colonel Barnwell, and voted £4,000 to pay the expenses. The Tuscaroras were defeated by these troops and the North Carolina Assembly passed a special vote of thanks. Again in 1713, a force of 840 was sent under Colonel Moore to aid the North Carolinians. Through Colonel Moore's efforts (in one battle he

killed several hundred Indians and made 800 prisoners) the Tuscaroras were forced to migrate to New York.

On the opening of the Yamassee War, North Carolina in return sent to South Carolina a force of 140, and aided the South Carolinians in driving the Yamassees into Florida and the mountains to the west. The South Carolina Assembly passed a special vote of thanks for the assistance furnished by North Carolina.

After North Carolina and South Carolina became each a royal province, the question of the boundary between the two had to be settled. The Board of Trade gave instructions that the boundary line should begin thirty miles to the southwest of the mouth of the Cape Fear River, and keeping the same distance from the river should run in a northwestern direction. Governor Burrington, of North Carolina, objected to this arrangement and got some additional instructions from England of which the South Carolinians were not informed, by which the Waccamaw River became the northern boundary of South Carolina. It was a long time before the South Carolinians would give up their claim, and residents in the disputed territory refused to pay the quit rents.

Relation of South Carolina to Florida.

The charter granted to the Carolina proprietors included some of the territory claimed by the Spaniards in Florida. In 1671, almost before the English had settled down in southern Carolina, a Spanish vessel from Florida was dispatched against the settlement, but finding the English more strongly intrenched than was anticipated, it returned to Florida. In 1686 the Spaniards suddenly invaded South Carolina, sacked the home of the governor and destroyed the town of Port Royal. Thereupon, the col-

onists appealed to the Lords Proprietors, but not waiting for any answer, they determined to invade Florida at once. Everything was ready for the invasion when James Colleton arrived as governor, and threatened to hang any of the colonists who persisted in the effort to invade Florida. The plan was therefore reluctantly abandoned. The Proprietors ruled that the colonists could repel an invasion, but not undertake any retaliatory measures. This caused great dissatisfaction with the government of the Proprietors. In 1706 the Spaniards and French combined invaded South Carolina, but Sir Nathaniel Johnson was ready to receive them. They sailed into Charleston Harbor, but on landing were quickly driven back to their ships, and, in a few days, sailed away. An attempt was made to land in Sewee Bay, but about 230 of the invaders were captured and taken to Charleston. At the end of the Yamassee War, the Spaniards in Florida harbored the Indians and encouraged them in their raids. In fact, the planting of Beaufort in territory claimed as a part of Florida brought on the Yamasse War. The question of the boundary between Florida and the Carolinas was taken up by the Spanish ambassador at the English Court, and as a result commissioners were appointed from Florida and South Carolina to settle the matter. The Carolinas claimed that felons and runaways were harbored in Florida. Nothing was accomplished, but shortly after (1726) the Carolina fort on the Altamaha was destroyed, and the Spaniards were supposed to have done it. The Proprietors, however, took no notice of the affair, which greatly enraged the South Carolinians, especially since the Indians continued their depredations, urged on by the Spaniards. A force was raised, sent against the Indians in Florida and actually marched to the gates of St. Augustine. Shortly after this,

South Carolina became a royal province, and the southern part of it was granted to Oglethorpe and his associates.

Georgia and Its Colonial Relations.

The last of the Southern colonies to be established was Georgia, chartered in 1732. This encroached on South Carolina's territory, that part lying between the Savannah and Altamaha rivers and running due west from the head waters of each. In spite of this dismemberment of South Carolina, no sooner had the settlers arrived in the new world than they were received cordially by the South Carolinians, who entertained them hospitably at Charleston and Port Royal. However, thirty years later, South Carolina attempted to occupy that part of its old territory south of the Altamaha River, whereupon Georgia complained, and George III. granted to Georgia all lands south of the Altamaha River claimed by the English.

The Georgia settlement, in addition to being a haven for debtors, was to be a barrier against the Spanish power of Florida. Oglethorpe found that he would have great trouble with the Indians and with the Spaniards, and he thereupon went upon a visit to South Carolina and informed the Assembly of the dread of a Spanish invasion. Soon Georgia was invaded, but the plans of the Spaniards were frustrated.

The Carolinians did not aid Oglethorpe at this time, for difficulties arose between Georgia and South Carolina as to the trade of certain South Carolinians in Georgia territory. Oglethorpe had forbidden anyone to trade in Georgia without his license. The South Carolina traders, pursuing their policy, however, Oglethorpe caused some of their small vessels to be stopped at Savannah and had seized some casks

of rum which they were carrying to the Indians. Some of the traders were put into prison. The matter was brought to the attention of the Assembly of South Carolina, and a committee went to Georgia and received some restitution for the goods destroyed. Still Oglethorpe would not abandon his right to control trade within the borders of Georgia. On the other hand, the settlers of the Carolinas refused to give up the trade and this caused much friction. The matter was submitted to the Board of Trade, for South Carolina had gone so far as to encourage the traders and to indemnify them for all the losses suffered at the hands of the Georgia government. The matter was really not settled, for the final judgment given by the Privy Council, to whom the matter was referred by the Board of Trade, was that the river should be kept open to traders, but that the Trustees of Georgia were to be commended for excluding rum from the colony. When finally Georgia allowed rum to be imported and sold in the colony, the trouble was not so great. Great discontent prevailed at Savannah because of Oglethorpe's management, and among the causes was the fact that slavery was prohibited in Georgia. The outcome of it was that a number of settlers withdrew from the colony and went to South Carolina to live. After a few years during which some efforts were made by the South Carolinians to introduce slavery, the law prohibiting the purchasing of negro slaves was repealed (1749) and Georgia became a slave colony. The great preacher, Whitfield, had advocated slavery and probably had as much to do with its introduction into the colony as any other one man. Beginning with 1750, the date of the introduction of slavery, a great number of South Carolinians migrated to Georgia and the population of that colony grew rapidly from then until the Revolution.

Georgia took the place of South Carolina in opposition to Florida. In 1739 England and Spain were at war. General Oglethorpe prepared to invade Florida. He appealed to South Carolina for aid, and that colony, though not at this time very friendly to Georgia on account of Oglethorpe's treatment of the traders, rendered assistance, due probably to the fact that the British government had appointed Oglethorpe commander-in-chief of the forces of South Carolina as well as Georgia to be raised for the war. Oglethorpe secured one regiment in England and 1,000 Indians (against the wishes of South Carolina). South Carolina voted a regiment of 600, and £12,000 to pay the expenses. St. Augustine was besieged, but Oglethorpe delayed in the attack so long that all the South Carolinians determined to go home. But being persuaded, they remained, though Oglethorpe seemed lost to know how to act. His Fabian policy was ruinous, and the Spaniards became so strong, and his own forces so disorganized, that he was compelled to give up the invasion.

In 1742 the Spaniards invaded Georgia, but were driven out of the colony with great loss, though it looked at one time as if the failure of the Georgia Trustees to give cordial support and the reluctance of South Carolina to aid, would be the destruction of Georgia. Mismanagement on the part of the Trustees with reference to Florida and the prohibiting by them of slavery finally caused Georgia to pass into the hands of the king, and in 1752 it became a royal province just as were the other Southern colonies except Maryland.

Conclusion.

The inter-colonial relations of the Southern colonies clearly indicate that the British government in its management of its American colonies was not

aware of the conditions prevailing in the new world. The vacillation of England in settling questions that arose between the colonies and her unwillingness to support the Southern colonies in their aggressive movements against the Spaniards produced a feeling of unrest in the colonies not at all favorable to the English government. This feeling was intensified by other conditions which will be treated in the next chapter.

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CHAPTER II.

THE SOUTH IN ENGLISH POLITICS, 1607-1763.

Politics of the London Company.

INTER-COLONIAL relations are interesting, but of deeper interest and of greater importance to the country at large were the relations between the Southern colonies and the mother country in the colonial period. As stated in Chapter I., the Virginia settlement was made by a commercial company for commercial purposes, but

the London Company was more, for it became an organization in which there were parties just as pronounced as in the English House of Commons. King James' efforts to rule by royal prerogative were not as freely discussed in Parliament as in the meetings of the London Company. The party of opposition to the king finally controlled the London Company and the rule of Southampton and Edwin Sandys was a part of the movement to reform the English government. It was Sandys himself who had drawn the charter of 1609 which greatly reduced the power of the king in the government of Virginia. The first General Assembly of Virginia was too liberal for the king, who feared a blow at his absolutism. Count Gondomar, the Spanish ambassador to England, informed King James that the politicians in the London Company were planning greater things than the raising of tobacco in Virginia and that the meetings of the Company would prove a seminary for a seditious Parliament.

Desiring to control the London Company, James first tried to remove Sir Edwin Sandys from power. He succeeded in this in name only, for the Earl of Southampton, who was made treasurer in Sandys's stead, was a staunch liberal and strong friend of Sir Edwin. When the company tried in 1621 to secure from Parliament a new charter, James at once took steps to prevent it. This with many other reasons caused him to prorogue Parliament. During the recess, Southampton, Sandys and Selden were arrested—in violation of the privileges of Parliament. In the meantime, the Virginia court of the London Company delivered to Francis Wyatt the first constitution of Virginia fully establishing representative government in that colony. The following year, James tried to force the company to elect one of several London merchants nominated by him as treas-

urer of the Company, but to his chagrin, the Earl of Southampton was selected, receiving 117 votes while the king's candidates received only twenty votes in all. The liberal party, headed by Sandys and Southampton, contended that James was ready to surrender many of the American interests into the hands of the Spaniards and that they were therefore compelled to ignore his wishes.

When news reached England of the Indian massacre in Virginia (1622), the liberals lost ground and the king took steps toward annulling the charter of the Virginia Company. A special commissioner was appointed to visit Virginia and to report on the state of affairs. The report was unfavorable, and the Royal Commission in England, regardless of the London Company and the General Assembly of Virginia, made a report in favor of the annulling of the charter and the resuming of the government by the king himself. By *Quo Warranto* proceedings in the court of the King's Bench before Chief Justice Ley, the charter was annulled on June 26, 1624. Thus the king got rid of one of the bulwarks of English liberty.

Liberalism in Virginia.

Virginia would probably have lost its representative government but for the timely death of James. Charles I. was friendly to Sir Edwin Sandys and Nicholas Ferrar and asked them for their opinion concerning the best form of government for Virginia. While Charles refused their request to restore the old charter of the company, he allowed Sir Francis Wyatt, who had remained governor during all this period, to continue to call the General Assembly in Virginia. After many petitions, memorials, letters, and even messengers from the colony of Virginia, the king decided that the House of Burgesses should remain as established by the London

Company. Thus was one of the great influences for democracy allowed to exist.

In 1637 Virginia's independent spirit was shown when, on account of Governor Harvey's friendly attitude to Lord Baltimore and other causes displaying his lack of sympathy with the colonists, the Virginians deposed him as governor and sent him home to England, electing Captain West, a member of the council, to rule in his stead. Charles, of course, felt that this was too high-handed and ordered the Virginians to receive Harvey back. Captain West and others were sent prisoners to England to answer some charges before the Star Chamber. This action of Virginia in deposing Harvey was indicative of the spirit of the liberal party of England, soon to be seen in the rebellion against Charles. Moreover, the transporting of certain men to England to be prosecuted is one of those early cases against which the colonies strenuously objected. The claim of this right was one of the indirect causes of the American Revolution. It is interesting to recall also that it was recommended at this time that the General Assembly of Virginia should be abolished, but the influence of Sandys and the Ferrars prevented Charles from going quite so far. In fact, Charles soon afterwards relented to the extent of removing Harvey, appointing as governor Sir Francis Wyatt, who had previously been so satisfactory to the Virginians. One of his first acts on arriving in the colony was the calling of an assembly.

At one time it seemed that the Virginians were anxious for the old charter to be restored. A petition was presented to Parliament asking for the restoration of the old charter; but on the appointment of Sir William Berkeley as governor to supersede Wyatt, a declaration was sent to England asking that Parliament should not renew the Virginia

charter. On the opening of the Civil War in England, Parliament established a commission for the governing of the plantations in America. As a matter of fact, however, on account of the war, the affairs of the Virginia colony were not interfered with until the commonwealth was established in England, the government of Virginia remaining in the hands of Sir William Berkeley. Bennett, Claiborne and three others came to Virginia in 1652, as commissioners of Parliament, and entered into an agreement with the Virginia Assembly. This agreement was practically a treaty between the mother country and its colony, granting to Virginia all her former liberties, privileges and ancient limits. Virginia was also allowed free trade and exemption from taxation save by her own Assembly. Berkeley quietly retired from the governorship and the Virginia Assembly was allowed to elect its own governors, Richard Bennett being the first chosen. With the restoration of Charles II., Virginia again passed into the hands of the king as a royal province, and Sir William Berkeley was made governor. Now began a course of government far from liberal, and looking to the restriction of the rights of the Virginians.

England's Governmental Policy Causes Rebellions in the South.

With the restoration of Charles II. there came in England a reactionary policy which was reflected in the American colonies. Some of the New England colonies suffered by it, while the others profited. Out of this movement resulted the effort to unite all of New England into a royal province under Sir Edmund Andros as governor. This was defeated by the English revolution of 1688.

In the meantime, there had been a number of rebellions and disturbances in the Southern colonies

due to England's colonial policy. The Navigation Acts (of which we shall speak in detail later) caused much dissatisfaction, while the governors by their oppression and efforts to restrict the liberties of the people made the government almost unbearable. In Virginia, Sir William Berkeley, on the restoration of Charles, began to rule with an iron hand. Instead of calling an Assembly yearly, he kept one Assembly in power for sixteen years (1660 to 1676) because it was friendly to him; so the people had no opportunity to express their will at the polls. Moreover, in contemplation of a probable summons for a new election of burgesses, the right of suffrage under Berkeley's influence was restricted in 1670 to "freeholders and housekeepers who only are answerable to the publique for the levies." Against the restrictions on trade and this autocratic government only some definite popular cause was needed to produce a rebellion. This came when the Indians along the Potomac and the head of tidewater began their raids in 1675. Nathaniel Bacon, Jr., a young English gentleman of culture, demanded a commission to go against the Indians. Berkeley declined to grant the commission, but later called for the election of a new Assembly, to which Bacon was elected a member. But before this Bacon had marched against the Indians without a commission, so when he reached Jamestown as a member of the Assembly he was arrested. A compromise was effected whereby Bacon was released, but there was much bickering between the governor and the Assembly as to Indian affairs. While the governor was interested in the fur trade with the Indians, this fact doubtless was not the cause of his refusing a commission against the Indians, but rather the fear that the Virginians once in arms might depose him as they had Governor Harvey. Bacon fled from Jamestown, and, return-

ing with an armed force, secured a commission. Hardly had Bacon started for the forests with about a thousand men, before Berkeley proclaimed him a rebel and traitor and collected an army of 1,200 men to seize him. Having overcome the Indians, Bacon captured Jamestown and burned the place. Shortly after this, Bacon died in Gloucester county, and the rebellion was at an end. The spirit of Virginia in opposition to an oppressive royal governor was checked by the failure of Bacon's rebellion, but not destroyed.

Lord Culpepper tried to govern the Virginia Assembly entirely in the interest of the king and English merchants. The navigation laws in requiring all tobacco to be shipped to England worked a hardship. By the fall of 1680 there was a surplus of tobacco large enough to supply the London market for two years. The Assembly proposed a cessation of the planting of tobacco for 1681, but since it would interfere with the king's revenue, Culpepper vetoed it. The price of tobacco fell, so in the spring of 1682, a meeting of the Assembly was called on the petition of several counties. The Assembly adjourned without taking any action, whereupon the people organized into bands, and passing from one plantation to another, destroyed the growing crops. In Gloucester county alone, the crops on more than 200 plantations were destroyed, aggregating some 10,000 hogsheads of tobacco. Governor Culpepper had to call out the militia to supress the insurrection, and three of the leaders were hanged.

While Virginia was having its internal dissensions, Maryland was also suffering from bad government. There had always been opposition to Lord Baltimore's authority, and in 1660, when the restoration took place in England, Governor Fendall, encouraged by the Assembly, tried to establish a free

palatinate. This action was probably due to the Proprietor's request (not granted till 1671) that he should be granted two shillings export duty on every hogshead of tobacco shipped to England, and ten shillings on every hogshead shipped elsewhere. There were constant disputes in Maryland between the governors who represented the Proprietor and the Burgesses representing the people, and these disputes were usually settled by the Proprietor contrary to the interest of the people.

All the sheriffs were appointed by the governor, and consequently the people had very little voice in their government. In 1670, just as in Virginia, suffrage was restricted to property holders. The same conditions, therefore, practically prevailed in Maryland in 1676 as in Virginia. In this year, two gentlemen, Davis and Pate, circulated a paper setting forth many grievances, and raised a force to overthrow the government. The report of Bacon's death and the end of his rebellion in Virginia caused the Maryland uprising to collapse, and Davis and Pate were put to death. This did not end the troubles in Maryland. The people felt aggrieved because the Proprietor's desire was to get rich out of Maryland, and the king's officials even complained that the Proprietor's government interfered with the collection of the custom-duties under the Navigation Acts. Moreover, the Protestant party was bitter towards the Catholics, and a remarkable Protestant pamphlet entitled "Complaint from Heaven," etc., was circulated, urging relief from the Proprietor's government. The "bloodless revolution" of England gave the opportunity, and James Coode seized the government with 700 men in arms, and proclaimed William and Mary. A petition was sent to the king urging him to take the government into his own hands. He approved the action of the overthrow of the proprie-

tary, issued a *scire facias* against the Maryland charter and sent over a royal governor. Thus was the Maryland proprietary overthrown. But it was again restored in 1715, the then Lord Baltimore being a Protestant. Maryland had thriven, however, as a royal province, its population being more than doubled in that period.

In North Carolina where tobacco was not raised to any great extent, the Navigation Acts worked great havoc even in the early days, for the coastwise trade was seriously embarrassed, and it was difficult for the North Carolinians to exchange their cattle and lumber for molasses, sugar and rum from the West Indies.

By 1676, the Carolinas were ready to revolt. In 1677, a Yankee schooner brought a cargo of molasses into Albemarle. John Culpepper, surveyor-general of Carolina, resisted the enforcement of the Navigation laws, and when the acting-Governor Miller tried to collect duties for a cargo of tobacco taken by the same schooner the year before, and tried to make some arrests of certain North Carolina smugglers then aboard, among them George Durant, Culpepper seized the governor and council and locked them up. His party then took possession of the public records, appointed Culpepper governor and seized 3,000 pounds of custom revenues. For two years Culpepper ruled North Carolina, but fearing trouble from Virginia, he went to England to persuade the Lords Proprietors to grant him control of the government which he had already usurped. He probably would have succeeded but for the fact that he had taken 3,000 pounds of the king's revenue. This was only one of the many uprisings of North Carolina constantly in rebellion against the Proprietors.

In South Carolina from 1683 to 1690 there was practically a period of no government, due to the

constant change of governors on the part of the Proprietors. The Fundamental Constitution of Locke was the main cause of trouble. The question of a state church, the granting of lands, the requirement that quit rents should be paid in coin, and the demand that all of the people's representatives should subscribe to the constitution increased their troubles. The appointment of a custom officer for South Carolina caused a strong protest from the colony. Finally, in 1689, Governor Colleton was instructed not to call any more parliaments, and as the acts ran for twenty-three months, by 1690 there was not a statute law in force in South Carolina. Governor Colleton in this state of anarchy declared martial law. At this time there arrived at Charleston one of the Proprietors, Seth Sothel, just banished from North Carolina, who led the people in the overthrow of Colleton's government. He was backed by 500 of the best settlers, and called a parliament. Sothel was removed by the Proprietors, and Philip Ludwell appointed as governor. Under the new government, order was restored only by the Proprietors finally abandoning Locke's Fundamental Constitution and extending the rights of suffrage.

Other rebellions and riots might be noted in the Southern colonies, but these will suffice to show that the Southern colonies during the Seventeenth century were ready to assert their rights and were ready to fight for them. Here were the germs to develop into a revolution for freedom and liberty of conscience and government.

The Navigation Laws an Obnoxious Feature of England's Colonial Policy.

More than to any other cause the English colonial system had its origin in economic conditions. Naturally England would wish to control the trade of the

colonies which grew from such causes. Tobacco, the first commodity to be shipped from the colonies, was taxed by the tonnage and poundage grant to King James in 1604 at the rate of two pence a pound, but James raised it to six shillings and eight pence to check its importation. The Virginia Company, however, by its charter was exempt from duty for seven years, and after that time exempt for import duties in excess of the usual customary subsidy of 5 per cent., which at this time amounted to six pence a pound. This meant a loss of revenue for King James. As a matter of fact, twelve pence was collected after 1619 on Virginia tobacco, and on petition of the Virginia Company this overcharge was forbidden by the Privy Council. A bargain was finally made with the king whereby no more tobacco was to be grown in England, but the Virginia Company had to pay an import duty of one shilling. James granted to two men the sole right of importing all tobacco into England. This system of granting monopolies was one of the worst features of England's colonial policy. In 1625 Charles I. excluded from England all tobacco except from the English colonies, but later Charles proposed, to the chagrin of the Virginians, that no colonial tobacco could be imported without special license, and wrote the Virginians to raise other commodities. Tobacco soon fell in price. Charles finally took the whole tobacco trade into his own hands; then the situation grew worse in Virginia and Maryland, and they urged a reduction of duties which was partially granted.

The desire to regulate the exports from the colonies was a cause of great annoyance to the colonies, and when the London Company tried to ship from Virginia to foreign countries, Holland especially, the Privy Council in 1621 forbade it.

This policy was followed by the exclusion of all

foreign countries from carrying goods into the colonies; but Dutch ships constantly brought products and took away others in exchange. The restriction on colonial trade in the reigns of James and Charles I. was adopted by Cromwell, an act being passed in 1650 to exclude all foreign ships from the colonies. This was followed in 1651 by an act forbidding the importation of products from America or any British colonies save in British vessels. It was against this act of 1651 that Virginia protected itself in making its treaty with the commissioners of the commonwealth in 1652. Another Navigation Act was passed in 1660 and reaffirmed in 1661, restricting trade between England and her colonies to English-built vessels. In 1663 another Navigation Act was passed, the object of which was to force all trade not only to be carried in English vessels, but to be carried to English ports, thus benefiting English merchants. It is true that the Act of 1660 had required certain things to be carried into England before they could be shipped to other points, but many things not enumerated were allowed to be shipped to many parts of the world without first going to England. Still Virginia and Maryland violated these Acts with reference to the restriction on the tobacco trade, but a third Navigation Act, passed in 1672, prevented the illegal trade in tobacco between any of the American colonies and the continent of Europe. At the same time, provisions were made that the ships should be bonded not only for the tobacco, but for other specified goods, such as cotton-wool, sugar, etc. In the event that vessels sailed from any American port to some other port than England, a special duty should be placed upon the articles. On tobacco, for example, one penny a pound; on sugar, five shillings per hundredweight, etc.

The disorganization produced in the colonies by the Revolution of 1688 resulted in many violations of the navigation laws by the American colonies, and a new act was, therefore, passed in 1696, providing for the enforcement of the registry of all English-built vessels. Thus the Seventeenth century came to an end with a very determined effort on the part of England to force the trade of English colonies through channels beneficial to English merchants. These laws fell more heavily upon the Southern colonies than they did upon the Northern colonies, for the Northern colonies owned a number of ships which could be registered as English-built vessels, while the Southern colonies owned few ships. The outcome was that the South was forced to trade altogether with England. Even before 1688, there were a number of cases of offense, so much so that Maryland in 1680 was warned by the English Council of Foreign Plantations that further violation of the Navigation Acts would lead to the forfeiture of its charter. The restriction caused tobacco to decrease in value, and the Virginia Assembly in touch with Maryland proposed to restrict the growth of tobacco in order to increase its price, but no real agreement was ever consummated. Offensive to England was the fact that many New England vessels carried on a coastwise trade in opposition to the requirement that goods should be carried to England from its port of shipment. This was especially noticeable in North Carolina where, in spite of the instructions of the proprietaries, the trade regulations were openly disregarded.

The first collector of the king's revenue under these navigation laws was sent to Charleston in 1685. The Carolinas disregarded this collector, Mr. Muschamp, and traded as they pleased. The Lord Proprietors were greatly disturbed over this, fearing

that James II. would for this reason repeal their charter. The continued violation of the Navigation Acts in all parts of America caused Edward Randolph, collector of the king's customs in America, to recommend a repeal of all of the charters of the proprietary governments, suggesting that South Carolina should be made a royal province; that North Carolina should be annexed to Virginia, and Delaware to Maryland. It was his agitation of the subject that really caused the passage of the Navigation Act of 1696, an interesting feature of which was a requirement that no Proprietor should appoint a governor in his province not approved by the king. More than likely Randolph saw that resistance to the Navigation Acts would eventually end in independence, and it was on his recommendation that the Lords of Trade of England directed the establishment of a Court of Admiralty for each of the American colonies and the appointment of three attorneys-general to look after the enforcement of the laws.

The Navigation Acts bore heavily upon the sugar trade, and were so often violated that a number of laws, usually known as the Molasses Acts, were passed to regulate the trade in molasses, sugar and rum. Since 1717 the French West Indies were beginning to displace the sugar of the British West Indies, so in 1733, it was enacted that a tax should be placed upon all rum imported into Great Britain not secured in English colonies of nine pence per gallon and upon all sugars of five shillings per hundredweight, while none of the English West Indies should ship sugar save to Great Britain. This act tended to prevent New England's coastwise trade in exchange for sugar, rum and molasses. Without further discussion of the Navigation Acts, it is sufficient to say that from 1651 to 1764 Parliament passed twenty-five acts regulating traffic between England and her

colonies. All of these acts were in favor of English merchants and increased the cost of articles in the colonies. They prevented New England's vessels from trading freely, making it difficult for South Carolina and North Carolina to secure the products they desired, and forced Maryland and Virginia to ship their tobacco entirely to the London markets and to receive in exchange English goods at dear prices.

Colonies Looked Askance at Parliamentary Action.

The Navigation Acts made the colonists afraid of the laws of Parliament. Even the post-office act of 1710 was obnoxious, though post deliveries were arranged extending from Boston to Philadelphia, and by Spotswood on to Williamsburg. In writing to the Board of Trade in 1718, Spotswood said:

"Some time last fall the postmaster-general of England having thought himself obliged to endeavor the settling a course through Virginia and Maryland, gave out commissions for that purpose, and a post was accordingly established once a fortnight from Williamsburg to Philadelphia. No sooner was this noised about than a great clamor was raised against it. The people were made to believe that the Parliament could not levy any tax (for so they called the rates of postage) here without the consent of the General Assembly."

The Virginians were indeed careful about their rights to tax themselves and to fix their own rates.

English Attitude Towards Slavery.

The question of the regulation of slavery by England was not altogether satisfactory to the South. In 1750 slavery existed legally in all the English colonies. About 1750 the total population of the South was about 630,000, of whom about 248,000 were slaves. The per cent. of slaves was not great in New England, not over 5 per cent. of the population, while none of the Southern colonies had less than 20 per cent. By the Treaty of Utrecht in 1713, England re-

served to herself the exclusive right of the slave trade to America. Virginia, Maryland and the Carolinas passed laws trying to restrict the importation of slaves, but these laws were not acceptable to the Board of Trade of England. These protests of the Southern colonies were in keeping with their protests against the Navigation Acts and were but another phase of the efforts of the American colonies to govern themselves by their own representatives without interference from England. The Rev. Hugh Jones in his *Present State of Virginia* deplored the number of negroes and the fact that it interfered with white immigration. South Carolina offered a bounty for the importation of indented white servants to counteract the influx of black slaves. In 1719 the Assembly in South Carolina imposed a duty of forty pounds per head on all imported negroes. Had this measure been put into effect, many of the evils of the slave trade would have been prevented, but the measure was vetoed by the Proprietors of the colonies. Slave insurrections were feared in North Carolina as early as 1718, and one actually broke out in South Carolina in 1739 in which a number of whites were massacred and many houses burned. The number of negroes killed and executed for this offense was forty-four all told. Twenty-one whites were put to death by the negroes in the midst of their insurrection. In 1741 South Carolina passed another act to prohibit the importation of slaves by laying a duty of sixty pounds on every slave imported. The Lords of Trade declared these laws void, for they interfered with English trade.

The Question of Currency.

A serious problem was the question of money, for specie was hard to get. By the Currency Act of 1707, English coins were made the standard through-

out the colonies. Dutch and Spanish coins, however, were in general use and their value as regulated by the Currency Act was regarded as unjust. The real currency of Virginia and Maryland, therefore, became tobacco, and there was a long struggle over the question of whether paper money should be issued by the colonies. The general attitude of the Board of Trade was to veto all bills inaugurating a paper money currency. Virginia had no general issue of paper money as it probably had more specie than any other of the colonies, though an issue was floated at the beginning of the French and Indian War. North Carolina, however, issued paper money even before she became a royal province, but South Carolina seems to have had no need for such currency. Maryland was forced to a paper money issue in 1732. Parliament passed a law in 1741 prohibiting any society, partnership or company in America from issuing promissory notes or bills. It practically prohibited paper money in all the colonies by declaring that it should be issued only subject to orders and instructions from the Crown. England failed to give her colonies a satisfactory system of currency, and there was consequently strong opposition to the Board of Trade on account of its financial policy.

Careless Rule of the English Board of Trade.

As a matter of fact, the struggle within the colonies relating to administration of affairs was after all the most important. It is to be remembered that every Southern colony became a royal province save Maryland, that the administration was supposed, therefore, to be directly under the Crown, though it was really administered by the Board of Trade representing the Crown. First of all, no royal province could pass an act that would be binding until the

same had been approved by the king or his representatives; that is, the Board of Trade had the right to veto an act of the legislature of any colony. This was done, for example, in vetoing Virginia's law fixing the salary of the clergy in money and gave rise to the famous Parsons' Case. The Board of Trade was not a real colonial department, and frequently contained many members who took no special interest in the colonies. By it many governors were appointed without instructions or without definite knowledge of the situation, their only desire being to get rich. Consequently there was constant dispute between the governors and the assemblies as to fees and salaries. Maryland had this same dispute with her governors who were appointed by the Proprietors. North Carolina fought bitterly with the royal governors. Moreover, when the royal governors came to the provinces with instructions, it frequently happened that the Board of Trade, not appreciating the situation, had given instructions which were very obnoxious to the colonies. The Southerners, living as they did in isolated communities, were inclined to be democratic; that is, the tendency was to allow all white men an equal voice in electing members to the General Assembly. However, we find under the influence of the Crown that suffrage was restricted in all the Southern colonies. In some instances the governors never came to the colonies, but ruled through deputies who plundered the colonies intrusted to their care.

Union Suggested to Meet the Needs of the Colonies.

During the Eighteenth century, the spirit of union began to grow, having first shown itself in the latter part of the Seventeenth century. In 1684, a conference was held in Albany to consider the union of all the colonies for resisting the Indian outbreaks on the

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frontiers and the French encroachments on New York territory. By this conference nothing was accomplished and Virginia was the only Southern colony represented. James II. conceived the plan of uniting all of New England under one governor. Edmund Andros, to whom was delegated this difficult task, was thrown into prison on the outbreak of the Revolution of 1688. William Penn proposed in 1698 that all the colonies be united under a commissioner appointed by the king to be commander-in-chief of the forces of the united colonies, and a congress of two delegates from each colony. This plan was rejected by the Board of Trade.

We have seen how Virginia and South Carolina joined with North Carolina in defeating the Tuscaroras and how Virginia and North Carolina aided South Carolina against the Yamassees in 1716. A greater trouble arose, however, in the Southern colonies than that with the Indians. It was the question of the pirates that infested the coasts of Virginia and the Carolinas. For then the Carolina coast, with its many inlets, was an excellent harbor. Moreover, in some instances, the pirates had the sympathy of the people, for some of them had been honest sea-captains driven by the Navigation Acts to become smugglers first and pirates later. In 1699 seven pirates were hanged at Charleston. Driven from the Charleston region, the pirates then swarmed to the Albemarle Sound, where Robert Thatch, better known as "Black Beard," had his den. He levied a tribute on Charleston, having been successful in capturing some of its prominent citizens. Among the other prominent pirates were Bonnett and Captain Kidd. Bonnett was taken prisoner by some South Carolina ships and executed, Kidd having been previously arrested in Boston and sent to London and hanged. Governor Spotswood sent a force against

"Black Beard" and captured his crew in Ocracoke Inlet, the chief himself having been killed in the fight. All of his crew was hanged. The concerted action of South Carolina and Virginia thus practically freed the coast of pirates about the year 1730.

While the South was contending with pirates and the Tuscarora and Yamassee Indians, the Northern colonies were engaged in a struggle with the Indians in New England and New York and with the French of Canada. King William's, Queen Anne's and King George's wars had no special meaning to the Southern people, though Virginia did furnish 100 soldiers to aid New Englanders and New Yorkers in an attack on Canada in 1744.

It was at the opening of King William's War that Penn proposed his scheme of union. Shortly afterwards, Edward Livingston proposed that three provinces should be made in America: (1) New England, (2) the Middle colonies, and (3) the Southern colonies, with a governor-general over each of these. But the suggestion was not even considered by the Board of Trade.

The Colonies Involved in the British Scheme of a World-Wide Empire.

The growth of France in the new world attracted the attention of the colonies, and French aggression made concerted action necessary. In 1608 the French had occupied Canada; in 1688 they had settled in Louisiana. Then began an effort to unite the mouth of the Mississippi with the mouth of the St. Lawrence, French explorers, traders and missionaries going into the Mississippi Valley. In the meantime, New York, Pennsylvania and Virginia were pushing westward.

The French built Fort Duquesne on the head waters of the Ohio in territory claimed by Virginia.

The Virginians sent George Washington as a messenger to the French requesting them to withdraw from that region. The importance of this region to Virginia had been emphasized by the establishment of the Ohio Company in 1750 holding a charter from the British government to settle in that country and to develop the trade with the Indian tribes in the Ohio Valley. Both Virginia and Pennsylvania claimed the territory which the French were occupying at the head waters of the Ohio. When the French refused to withdraw, Governor Dinwiddie of Virginia sent a force of Virginians, reinforced by one company from South Carolina, to drive the French from Fort Duquesne. The Virginia Assembly had appropriated £10,000 and North Carolina a small subsidy. The expedition was defeated, but Washington, who commanded, was able to make special terms and led his men away with the honors of war.

Maryland, Pennsylvania and New York were now aroused. A conference was called which met at Albany in 1754, in which the only Southern colony represented was Maryland.

Franklin proposed a scheme of union, suggesting that there should be a governor-general appointed by the Crown for all the provinces, and a colonial council of forty-eight members elected by the various assemblies, each colony to be represented in proportion to population. This scheme was referred to the Board of Trade and not accepted, the British government suggesting in its stead that there should be a board of commissioners for all the colonies, the commissioners to be nominated by the assemblies. These commissioners were to consider only measures of defense and to levy on each colony for sufficient sum to pay the expense of the joint defense.

In the meantime, Dinwiddie was urging Maryland, Pennsylvania and New York to unite with Virginia

in driving the French from the western country. The North Carolinians also aided, but South Carolina refused any assistance, while Pennsylvania only took the matter under consideration. Finally England declared war against France, and at once sent General Braddock to America to drive the French out. Braddock's first step was to hold a council at Alexandria, which was attended by six colonial governors, among them being Dinwiddie of Virginia and Sharpe of Maryland, who recommended that Parliament should raise a tax on the American colonies for carrying on the war. Braddock advanced to Fort Duquesne and was defeated, and it was only by the coolness of Washington and his Virginia troops that his army was saved at all. William Pitt then took charge of affairs in England as Prime Minister, and the war was pushed rapidly to a close. Pitt saw, as no other had, that England's future depended upon a great colonial empire, and that France's colonies in America as well as in India had to be conquered.

The influence of the Southern colonies in acquiring the territory east of the Mississippi is not to be ignored. Braddock's force numbered 1,850, of which 450 were Virginians. The British forces were insufficient, and the provincials brought the war to a safe conclusion. Braddock's failure, unless retrieved, meant that the Ohio and Mississippi valleys would remain in the hands of the French, but to this Dinwiddie would not listen. He called for aid from all the colonies. Maryland raised a small body of troops. Pennsylvania first gave succor in supplies, but finally put some troops into the field. North Carolina also responded. Under General Forbes Fort Duquesne was finally taken and the French expelled from the Ohio Valley. Forbes had a force of 6,000 of whom 4,800 were provincials—Pennsylvanians, Marylanders, Virginians and North Carolin-

ians. These provincials won the victory and opened the gateway to the West. Shortly after this, the British took Quebec, and in 1763, by the Treaty of Paris, England acquired from France all Canada and the territory east of the Mississippi River, Spain ceding Florida.

To Governor Dinwiddie more than to any other man was due the result, for before any of the colonies or England had made any effort to keep the French out of the Ohio Valley, he was working with that end in view. He urged union for the sake of English America. His efforts were eventually to bud into a union of the English colonies for the preservation of British constitutional rights.

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CHAPTER III.

OPPOSITION OF THE SOUTH TO THE NEW COLONIAL POLICY OF ENGLAND, 1763-1767.

THE sudden expansion of English territory which followed the French and Indian War marks the beginning of a new era in American history. Long before that time the ministry had shown a disposition to exploit colonial industries for the benefit of English merchants and

manufacturers and to supervise more rigidly the government of the colonies, but the dangers and distractions that confronted the mother country from time to time had interfered with the execution of old policies, as well as the development of new ones. With the triumphal close of the final struggle for English supremacy in North America, there no longer remained in the mind of the ministry any reason to delay action. On the other hand, there were additional incentives for the inauguration of new policies of colonial control. The cost of the war had increased the public debt of the mother country from £70,000,000 to £140,000,000, and had greatly increased the burden of taxation. The maintenance of a standing army, deemed necessary for the protection of the colonies against future attacks from the Indians, French and Spaniards, would increase the colonial expenses fivefold—from £70,000 to £350,000 a year.

The colonists viewed the situation from quite a different standpoint. They contended that by liberal contributions of men and money they had already borne their full share of the burdens of a war, which had been fought primarily for the interest of the mother country and that the new accessions of territory had amply repaid her for the expenses incurred. They argued further that, inasmuch as the home government had not seen fit to station an army in America before the overthrow of French rule in Canada and of Spanish rule in Florida, such a precaution was no longer needed, since the danger of attack from these sources had been removed. It was even suspected that the object of the ministry was "to strengthen the royal executive against the Assemblies, and to enforce the obnoxious regulations of the revenue laws."

Features of the New Policy.

The new system of colonial government was inaugurated by Charles Townshend, who became first Lord of Trade, Feb. 23, 1763. But it was left to Lord Grenville, who became head of the ministry in April, 1763, to attempt the elaboration and execution of these designs. He promptly entered upon three new lines of policy which were the direct causes of the Revolution. These were the rigid enforcement of the Acts of Trade, the permanent establishment of a standing army in America, and the raising of a revenue by parliamentary taxation.

The Commissioners of Customs, many of whom resided in England, were ordered to their posts, several new officers were appointed and more stringent rules made to govern them in the discharge of their duties. The Sugar Act (May 5, 1764) imposed duties upon certain colonial exports and imports and renewed the offensive Molasses Act of 1733, but reduced the duty on molasses and sugar by one-half. A Stamp Act was brought before Parliament in February, 1765, and promptly passed almost without debate by a vote of 205 to 49 in the House of Commons and without dissent in the House of Lords. In April following the Quartering Act was passed to provide for the comfort of the troops to be stationed in America.

The ministry had disclaimed any intention of taxing the colonies for the benefit of the mother country, it being supposed that the revenue to be obtained from the colonies would meet about one-third of the actual expenses of the colonial army; yet the inauguration of the new policy of taxation by Parliament occasioned great alarm in America. The colonial agents, having had a year to agree upon a less objectionable method than the stamp tax for raising the desired revenue, had been unable to propose a

more acceptable form of taxation. Although they protested against the measure, they thought that it would not be resisted in the colonies.

Southern Protests Before the Passage of the Stamp Act.

The Southern colonists, in common with those of other sections, promptly showed their disapproval of the proposed measure. As early as May 31, 1764, Richard Henry Lee, of Virginia, wrote privately to a friend: "This step of the mother country, though intended to oppress and keep us low in order to secure our dependence, may be subversive of this end."

The Assembly of North Carolina said (October 31, 1764): "It is with the utmost concern we observe our commerce circumscribed in its most beneficial branches, diverted from its natural channel and burthened with new taxes and impositions laid on us without our privity and consent and against what we esteem our inherent right and exclusive privilege of imposing our own taxes."

The Assembly of South Carolina, having been prorogued before it could make a formal declaration, appointed a committee with power to act. This committee complained of the Acts of Trade; declared that the proposed Stamp Act would be incompatible "with that inherent right of every British subject, not to be taxed but by his own consent or that of his representatives"; and expressed a hope that Parliament would "not deprive us of our birthright, and thereby reduce us to the condition of vassals and tributaries."

Although the Assembly of Maryland was prevented by the governor from meeting before the passage of the Stamp Act, the newspapers of the colony left no doubt as to the attitude of the public thereon.

A committee of the Council and Burgesses in Vir-

ginia (Nov. 14, 1764) prepared an address to the king, a memorial to the Lords and a remonstrance to the House of Commons in which they gave a dignified expression of their opposition to the new policy. They claimed, among other things, that the colonists were entitled to "every right and privilege" enjoyed by their ancestors in the mother country, and that taxation without consent was violative of a "fundamental principle of the English constitution."

The Virginia Resolutions.

The first and most celebrated effort at organized resistance after the passage of the Stamp Act came from Virginia (May 29, 1765). When the planters of that colony heard of the passage of the act they promptly resolved that it should recoil on the mother country; "articles of luxury of English manufacture were banished; and threadbare coats were most in fashion." Under the leadership of Patrick Henry, the House of Burgesses adopted, after a stormy debate, a series of resolutions which have been characterized as the "alarum bell to the disaffected." This historic document declared that the colonists were entitled to "the privileges and immunities" of Englishmen; that Virginians had never forfeited the right to govern themselves by their own assemblies "in the articles of taxes and internal police"; that every attempt to vest such power in any other person or persons was "illegal, unconstitutional and unjust"; that the inhabitants of the colony were "not bound to yield obedience to any law or ordinance whatever, designed to impose any taxation whatsoever upon them, other than the laws or ordinances of the General Assembly"; and that any person who shall in any way deny this right "shall be deemed an enemy to his Majesty's colony." It was in this debate that Henry made the memorable utter-

ance, "Tarquin and Cæsar had each his Brutus; Charles I., his Cromwell; and George the Third——" Here he was interrupted by the speaker with a cry of treason, which was echoed by other members of the House, but Henry, "rising to a loftier attitude" and casting a look of defiance at the chair, said with increased force: "George the Third may profit by their example. If that be treason, make the most of it." The resolutions were voted on separately and all of them adopted by varying majorities.

At the close of the day's session Henry, feeling that he had accomplished his purpose, returned to his home. On the following day the House repealed the last two resolutions and the preamble, but a copy of the original document, with the exception of the third resolution, omitted by mistake, was then on the way to the Middle and New England colonies, where it was published in the newspapers and widely circulated. By heartening the timid and encouraging the bold, these resolutions unquestionably hastened the impending crisis.

An article in the *Boston Gazette* (July 8, 1765) stated that, "The people of Virginia have spoken very sensibly, and the frozen politicians of a more northern government say they have spoken treason." Oxenbridge Thacher, of Boston, then on his deathbed, exclaimed, "Oh! those Virginians are men; they are noble spirits." General Gage, then in command of the British army at New York, wrote home that Virginia had given "the signal for the continent."

Measures of Resistance.

The inhabitants of Virginia were not alone in their determination to buy no goods manufactured in England. The patriots of North and South Carolina "set up looms for weaving their own clothes"; the Marylanders joined them in a determination to have

"homespun markets of linens and woolens"; and it was everywhere "accounted a virtue" for the first ladies in the country "to wear garments of their own spinning."

A mob at Annapolis pulled down the house to be occupied by the stamp commissioner of Maryland. The lawyers of the colony expressed an opinion that their courts would declare the act invalid, and the people "resolved to burn the stamp paper on its arrival." North Carolinians at Wilmington (Oct. 19, 1765) burned Lord Bute in effigy because he had "several times expressed himself much in favor of the stamp duty," and they, in common with other colonists, North and South, drank toasts to "Liberty, property and No Stamp Duty, and confusion to Lord Bute and all his adherents." On the same day in Charleston, South Carolina, an effigy, representing a distributor of stamps, was suspended from a gallows and then burned amid the shouts of the multitude, and a coffin on which was inscribed "American Liberty" was publicly buried while "the bells of St. Michael's rang muffled all day."

Stamp Act Congress.

Eight days after the passage of the Virginia Resolutions the General Court of Massachusetts (June 6, 1765) adopted a resolution calling for a congress of all the colonies to be held in New York in the following October. It seemed that the call would be allowed to go unheeded, since the legislatures of two colonies had met and adjourned without taking action. Then came the meeting of the Assembly of South Carolina, which boldly and unqualifiedly "pronounced for union." It passed a series of forceful resolutions in denunciation of the Stamp Act and appointed Thomas Lynch, Christopher Gadsden and John Rutledge to represent the colony in the pro-

posed congress. In referring to this action of South Carolina, Christopher Gadsden said: "Our state, particularly attentive to the interest and feelings of America, was the first, though at the extreme end * * * to listen to the call of our Northern brethren in their distresses. Massachusetts sounded the trumpet, but to Carolina is it owing that it was attended to. Had it not been for South Carolina, no congress would then have happened." In his *History of the United States* (editions of 1852 and 1857, Vol. V., pp. 294-295), under the title, "South Carolina Forms the Union," Bancroft says: "As the united American people spread through the vast expanse over which their jurisdiction now extends, be it remembered that the blessing of union is due to the warm-heartedness of South Carolina. 'She was all alive, and felt at every pore.' " McCrady calls attention to the strange omission of this passage in the later editions of Bancroft's work.

In due time the Assembly of Maryland chose representatives and endorsed the sentiments of the Virginia Resolutions.

As the governors of Virginia, Georgia and North Carolina refused to call meetings of their assemblies, these colonies could not elect delegates to the Stamp Act congress. They were, however, in full accord with the purposes of the meeting. Georgia and North Carolina gave expression to their approval, the former colony sending a special messenger to New York with a letter (dated Sept. 6, 1765) from sixteen out of the twenty-five representatives, in which they said: "No people, as individuals, can more warmly espouse the common cause than do the people of this province." Richard Henry Lee said that "Virginia was ready to convince the world that her people were firm and unanimous in the cause of liberty."

The South Carolina delegates were the first to ar-

rive at the place of meeting. Their influence on the proceedings of the congress is indicated by the fact that they were given the chief places on two out of the three great committees. One of the principal debates in the congress arose over the question as to "the safest ground" upon which to rest the liberty of America. Gadsden was the principal speaker in opposing the policy of resting the issue upon chartered rights. On this subject he said: "We should stand upon the broad common ground of those natural rights that we all feel and know as men and as descendants of Englishmen. I wish the charters may not ensnare us at last, by drawing different colonies to act differently in this great cause. * * * There ought to be no New England man, no New Yorker known on the continent, but all of us Americans."

Fortunately his view prevailed, and "in the proceedings of the congress the argument for American liberty from royal grants was avoided," the claim being based on "rights that preceded charters and would survive their ruin."

Repeal of the Stamp Act.

The harmonious action of the Stamp Act congress greatly encouraged the colonies in their policy of resistance. The Assembly of South Carolina ratified its proceedings with only one dissenting vote (Nov. 26, 1765). Gadsden wrote a few months later, "I am persuaded, with God's blessing we shall not fall or disgrace our sister colonies." The citizens of several counties of North Carolina "mutually and solemnly plighted their faith and honor * * * to assist each other to the best of their power in preventing entirely the operation of the Stamp Act." In Virginia a similar pledge was taken with a further provision that, if one of their associates should

be arrested, they would restore him to liberty "at the utmost risk of their lives and fortunes."

Bancroft says: "Virginia had kindled the flame; Virginia had now the honor, by the hand of one of her sons, to close the discussion. * * * It was Richard Bland, of the Ancient Dominion, who, through the press, claimed freedom from all parliamentary legislation; and pointed to independence as the remedy for a refusal of redress."

The formidable opposition of the colonies and the enforced resignation of all distributors of stamps convinced the ministry of the impossibility of enforcing the Stamp Act. With the fall of the Grenville ministry this act was repealed by a majority of more than two to one. This caused great rejoicing throughout the colonies and it seemed that they were on the eve of a complete reconciliation with the mother country.

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Chapter IV.

THE SOUTH IN THE DEVELOPMENT OF ORGANIZED RESISTANCE, 1767-1775.

THE period of rejoicing over the repeal of the Stamp Act was of short duration. Some of the more thoughtful leaders felt that the Declaratory Act gave evidence that the objectionable policies might be resumed at any time. A Virginia writer said (May 20, 1766): "The Americans are hasty in expressing their gratitude, if the repeal of the Stamp Act is not at least a tacit compact that Great Britain will never again tax us"; and he advised the colonial assemblies to "enter upon their journals as strong declarations of their own rights as words could express."

Townshend's Policy.

Charles Townshend, who became the ruling spirit in the new ministry, brought forward two acts in harmony with his policy. The first of these (June 15, 1763) suspended the New York Assembly until that province should comply with the Quartering Act of 1765; the second (June 29, 1763) imposed a new import duty, by which he expected to raise a revenue without arousing the old colonial opposition to internal taxation. The preamble of the latter act showed that it was a step toward the achievement of his avowed purpose of paying the salaries of colonial governors and judges in order to make them independent of the assemblies, and of helping to defray the expenses of a colonial army to be used to enforce parliamentary authority.

Renewal of Colonial Opposition.

In response to a circular letter from the Massachusetts Assembly (Feb. 4, 1768) asking for help to procure the repeal of the Townshend acts, the Virginia Assembly applauded "their attention to American liberty" and unanimously adopted resolutions (April 7, 1768) "reaffirming the exclusive right of the American assemblies to tax the American colonies." A committee also reported and both houses adopted (April 16, 1768) a Petition, a Memorial and a Remonstrance, which, as Bancroft says, "were penned in a still bolder style than those from Massachusetts." Their speaker, Peyton Randolph, wrote to the speakers of the other assemblies to inform them of these proceedings and to present the necessity for a united and firm opposition to every measure which might affect American rights and liberties.

The South Carolina Assembly had just adjourned when the Massachusetts and Virginia letters reached that colony, but their speaker made a prompt and hearty response, and the patriots of Charleston again held meetings under the old "Liberty Tree," which had been sanctified during the agitation over the Stamp Act. When the assembly met it unanimously commended (Nov. 19, 1768) the bold and patriotic stand of Massachusetts and Virginia, and petitioned the king for relief. They had scarcely finished these important tasks, behind locked doors, when they were indignantly dissolved "by beat of drum."

Alexander Willy gave assurance (June 16, 1768) in behalf of eighteen "Sons of Liberty" in the Georgia Assembly, of which he was speaker, that at their next meeting they would "manifest their regard for constitutional liberty." This was done Dec. 24, 1768, by the adoption of a resolution, approving the acts of Massachusetts and Virginia and

promising their hearty coöperation. This action was taken at the cost of a prompt dissolution.

In reply to an exhortation from Governor Sharpe to treat the Massachusetts circular "with the contempt it deserved," the Assembly of Maryland replied that they were "not to be intimidated by a few sounding expressions from doing what they thought was right." Besides endorsing and defending the policy of Massachusetts, they petitioned the king "in language at once manly and respectful." They were promptly prorogued by the governor, "who was afraid to dissolve them lest the new Assembly be worse than the old."

The North Carolina Assembly (Nov. 10, 1768) gave assurances of their readiness to coöperate with the other colonists "in every constitutional measure for the redress of grievances."

Virginia Resolves of 1769.

With a view to dividing the colonies and thereby paralyzing their efforts, the ministry adopted an astute scheme for "reconciling America." Although Virginia and Massachusetts were equally active in their opposition to the Townshend acts, "blandishment was devised" for the former, while "the bayonet was pointed" at the latter.

For the first time in many years Virginia was permitted to welcome as a resident of the colony a governor, who was appointed with the understanding that he would live there. The new governor, Lord Botetourt, was a man of courteous and pleasing address. Bancroft says: "He was to call a new legislature, to closet its members, as well as those of the council, and to humor them in almost anything except the explicit denial of the authority of Parliament. It would have been ill for American inde-

pendence if a man like him had been sent to Massachusetts."

On the other hand military and naval forces were sent to Boston, the charter of Massachusetts was to be altered and investigations were undertaken with a view to transporting offenders to England for trial under an obsolete statute of Henry VIII. Camden said, "With Massachusetts it will not be very difficult to deal if that is the only disobedient province."

Botetourt agreed with his council that the writs of assistance were illegal; he opened his first Assembly with a most complimentary address and feasted all the burgesses at his own table. He won their goodwill, but he could not induce them to forsake the common cause. At the risk of incurring his displeasure, they adopted (May 16, 1769) a series of resolutions reaffirming the sole right of the colonial legislature to impose taxes and asserting "their undoubted privilege" of petitioning the sovereign, and of coöperating with other colonies. The governor dissolved the House, but the speaker sent the resolutions to other assemblies with a brief circular letter suggesting that the subject should engage prompt attention and concerted action.

Bancroft well says: "These resolves were calm in manner, concise, simple and effective; and so perfect in substance and form that time finds no omission to regret, no improvement to suggest." It should never be forgotten that by this act the Old Dominion, without the slightest cause for alarm for her own safety, came promptly to the relief of her oppressed sister and took the first adequate step to meet the aggressive measures directed against American liberty.

The colonists were unstinted in their "expressions of admiration and gratitude." A North Caro-

linian wrote: "Don't you think the Virginians behave like men?" A Philadelphian said, "Noble conduct. I hope every Assembly on the continent will concur." A response came from New York: "The Virginia resolves breathe that noble spirit of freedom and inflexible firmness for which Virginia has been justly celebrated ever since the beginning of our troubles with Great Britain." In a series of papers prepared in Boston and printed in New York, occurs the following paragraph: "The late resolves of the Virginia Assembly are regarded with veneration. They do great honor to themselves and give spirit to the other colonies. We see in these the same sense of justice, value for the constitutional rights of America, the same vigor and boldness, that breathed through the first resolves of that truly honorable house, and greatly contributed to form the free and generous spirit in which the colonies are now one. There is a peculiar generosity in the resolve, relating to the revival of the severe and obsolete statute of Henry VIII., by the late extraordinary resolutions of Parliament—as this was pointed not directly against themselves, but another colony. Massachusetts ought long to remember this obligation."

Frothingham forcefully adds: "Well might there have been this gratitude; for Virginia invited all the colonies to make common cause with Massachusetts when king and parliament had laid a heavy hand upon her, and the presence of an army and fleet attested that complete submission was decreed as her lot."

Delaware, North Carolina, Rhode Island and New York adopted the Virginia Resolves without change, and the rest of the assemblies adopted them "in spirit as well as sentiment," usually at the cost of prompt dissolutions by the colonial governors. By

Nov. 13, 1769, the *Massachusetts Gazette* was able to say: "The whole continent from New England to Georgia seems firmly fixed; like a strong, well-constructed arch, the more weight there is laid upon it the firmer it stands; and thus with Americans, the more we are loaded the more we are united."

Non-Importation.

The Virginia Burgesses, having been dissolved by Governor Botetourt, could no longer act in an official capacity. But they promptly met "as patriots and friends," with their speaker as moderator, reaffirmed their resolves and unanimously adopted and signed a non-importation agreement, drawn up by George Mason and introduced by George Washington. This "well-digested, stringent and practical scheme" was approved by colony after colony until it was said that "the chain of union throughout the continent for the measure of non-importation and economy" had been completed. South Carolina adopted the effective method of "publishing the names of the few enemies of America who kept aloof from the Association."

Although the non-importation plan originated in New York, the action of the Virginians gave to the movement an impetus which soon made it continental in scope and hence effective in operation.

Nullification of Billeting Act.

British troops left in Charleston after the Cherokee War complained of "the scarcity of fuel and other barrack necessities." The governor applied to the Assembly for relief (June 26 and July 1, 1769). In reply the House asked whether these troops were to be used, as formerly, for frontier service. The matter was finally referred to a special committee which at first "quietly ignored" the

application, but later recommended that no provision be made for supplying the troops, since, among other objections, they were not intended for frontier duty.

The Assembly not only adopted the report (Aug. 16, 1769), but passed resolutions declaring that upon the repeal of "the acts so loudly and unanimously complained of by their fellow-subjects of America" and their restoration to the "ancient free and honorable station" formerly held, they would comply with such royal requisitions "as should appear to them just and reasonable." The troops were embarked for St. Augustine on Sept. 6, 1769.

Significant Local Incidents.

The determination of the ministry to control the internal government of the colonies was asserted in a series of instructions to the royal governors based in each case upon local conditions. Although these attacks on colonial rights did not call for intercolonial action, they were potent factors in alienating the Southern colonies from the mother country.

Repeated executive interference with the choice of a speaker aroused the indignation of the Assembly of Georgia, who condemned this "high breach of privilege" as tending "to subvert the most valuable rights and liberties of the people."

The appointment of English office-holders on the Council of South Carolina so degraded it that citizens of standing would not accept places in that body, and the denial of its legislative power became so vigorous as to threaten the overthrow of the constitution of the province. The instructions to the governor not to assent to money bills for other than provincial purposes elicited (Aug. 29, 1770) the "boldest declaration of rights" that the colony "had yet put forth." The filling of judicial positions by "sycophants" from the mother country, the removal

of the Assembly to an unusual place of meeting, and other grievances no less serious kept the colony in a constant state of agitation.

The governor of Maryland assumed the power to revive by proclamation "a law regulating fees of officers which had expired by limitation," thereby asserting the right of levying taxes on the colony.

The instruction forbidding governors to assent to any law interfering with the slave trade elicited the "last prayer that Virginia ever made to mortal man" (1772). She asked for the withdrawal of this instruction on the ground that unless the pernicious traffic were stopped it would "endanger the very existence of His Majesty's American dominions."

In North Carolina the insolence and oppression of petty officials and attorneys extending over a number of years culminated in the battle of Alamance (1771), which afforded the whole country "a grand object lesson of armed resistance to oppression." By developing the military organization of North Carolina the War of the Regulators made possible "the brilliant little victory at Moore's Creek" a few years later.

Committees of Correspondence.

As early as Nov. 2, 1772, the Boston patriots ununder the leadership of Samuel Adams provided for local committees of correspondence in the different towns of Massachusetts. The work of these noble bodies was in every way worthy of the cause in which they were enlisted, but it needed to be supplemented by that of similar organizations representing larger constituencies and operating over a wider area.

Virginia again rendered a distinct service to the cause of liberty by the unanimous adoption (March 12, 1773) of resolutions providing for the appointment of what Jefferson calls "Committees of Na-

tional Correspondence," and recommending that a similar action be taken by the assemblies of the other colonies. "In this manner," says Bancroft, "Virginia laid the foundation of our union. Massachusetts organized a province; Virginia promoted a confederacy."

Five assemblies promptly responded with resolutions which were "generally a transcript of those of Virginia," Rhode Island being the first. Other colonies, with the exception of Pennsylvania, followed their examples later and thus perfected an organization which made united resistance possible. A writer in the *New Hampshire Gazette* (June 18, 1773) referred to this plan as one which "Heaven itself seemed to have dictated to the noble Virginians"; and he urged its adoption as follows: "O, Americans! embrace this plan of union as your life. It will work out your political salvation."

It is said that "the Virginia resolves 'struck a greater panic into the ministers' than anything that had occurred since the Stamp Act." Soon afterwards they abandoned the plan of transporting Americans to England for trial and ceased to issue irritating instructions to the royal governors.

Tea in the South.

The Townshend act was finally repealed (April 12, 1770) with the exception of the tax on tea, "retained as a mark of the supremacy of Parliament." This partial repeal was regarded as "insidious and unsatisfactory," and the leading patriots urged a continuance of the non-importation agreement. The duty on tea was later (April 27, 1773) reduced so that the commodity would cost less in America than in England, and cargoes were immediately sent to the principal colonial ports.

The *Peggy Stewart* reached Annapolis (Oct. 15,

1774) with a cargo in which were seventeen packages of tea. In order to land the rest of the cargo the owner of the vessel—one of the signers of the non-importation agreement—"rashly paid the duty on the tea," which had been consigned to other parties. Although he and the owners of the tea "humbly and contritely" acknowledged their guilt before a meeting of the citizens and offered to burn the tea publicly, the ship was burned "in broad daylight, with no concealment or disguise, by men who avowed what they did and stood ready to face the consequences."

The ship *London* with 257 chests of tea arrived in Charleston, Dec. 2, 1773. The consignees having agreed not to accept it and, the duty being unpaid, the tea was seized by the collector and stored under the exchange, where it remained until it was finally sold by the colonial authorities for the benefit of the Revolutionary cause. The South Carolinians also threw seven chests of tea into Cooper River (Nov. 3, 1774) "amid the acclamations of the people who crowded the wharves," and "a similar occurrence took place at Georgetown" in the same state.

On Sept. 10, 1774, North Carolina delegates, in a representative assembly held without royal authority, declared that they would not "suffer East India tea to be used in their families, and would consider all persons who did so to be enemies of their country."

Southern Attitude Toward the Five Coercive Acts.

In further pursuance of the ministerial policy for the subjugation of Massachusetts, and in punishment of the city of Boston for its "Tea Party," Parliament passed: The Boston Port Act, closing the harbor of that city to commerce; the Massachusetts Government Act, altering the charter and govern-

ment of the colony; the Administration of Justice Act; an act quartering troops in Boston; and the Quebec Act.

By the adoption of resolutions (May 24, 1774) setting apart June 1—the day the Port Bill was to be enforced—as a time of "fasting, humiliation and prayer," the Virginia Assembly was the first to take definite action against the new measures of oppression. Other assemblies again followed the safe leadership of the Old Dominion.

Local meetings of freeholders were held throughout the South to devise measures of relief. At a meeting in Fairfax county, Va., presided over by Washington, resolutions were adopted declaring that the people of Boston were "suffering in the common cause of all British America." Subscriptions were opened throughout the South for the poor people of that city and Washington gave $250 to this worthy object. Facts gathered by McCrady indicate that "the donations from South Carolina exceeded, both in money and supplies, any other colony, not excepting Massachusetts itself." Large contributions were also sent from other Southern colonies.*

A convention "of the whole province of Maryland" declared that these acts of Parliament would "lay a foundation for the utter destruction of British America." A similar meeting in South Carolina said: "It is the duty of the inhabitants of all the colonies to support the inhabitants of Boston"; another, in Virginia, said that the colonial "assemblies had the sole right of directing their internal polity." A North Carolina patriot wrote: "We view the attack upon Massachusetts * * * to be intended to pave the way to a general subversion of the constitutional rights of North America." A Virginian

*The correspondence of the "Donation Committee" of Boston shows how generally the Southern colonies came to the relief of Boston. (See Frothingham's *Rise of the Republic*, pp. 387-390.)

wrote: "Let us remember that with the sword our fathers obtained their constitutional rights, and by the sword it is our duty to defend them." And Washington, the noblest Roman of them all, said in the Virginia convention (August, 1774), "I will raise one thousand men, subsist them at my own expense, and march myself at their head for the relief of Boston."

Calls for a General Congress.

The Burgesses of Virginia, meeting in a private capacity (May 27, 1774), immediately after their dissolution by Lord Botetourt, issued a call for another general congress, which had hitherto been suggested only by individuals and towns. Two days later they took another step in advance of all other colonists by providing definitely for the choice of delegates to the proposed congress. In the same meeting they not only "declared that an attack on any one colony should be considered as an attack on the whole," but "resolved to stand by Massachusetts." This was regarded in England as "an overt act of treason."

Other colonies approved the call and selected delegates to attend the proposed congress. The patriots of Massachusetts perfected the plan by appointing a time and place for the meeting.

First Continental Congress.

This historic assembly held its meetings in Carpenter's Hall, Philadelphia, beginning Sept. 5, 1774. It consisted of fifty-five delegates, representing twelve colonies, and was presided over by Peyton Randolph, of Virginia. Although Georgia did not send representatives, she promised to concur in the actions of her "sister colonies."

A striking unanimity of purpose is shown by the commission issued to the delegates by the different colonies (see Frothingham's *Rise of the Republic,*

pp. 362-364, footnote). In general, the objects aimed at were a redress of grievances and the restoration of harmony between the colonies and the mother country. Detailed statements of the services rendered by the Southern delegates cannot be given in this connection. Their names will be found on all the important committees, by which most of the work was done. The great acts of this congress—the Association and the Declaration of Rights and Grievances—show a spirit that is not provincial but continental. Southern sentiment found expression on the floor of this assembly in the inspired words of Patrick Henry: "The distinctions between Virginians, Pennsylvanians, New Yorkers and New Englanders are no more. I am not a Virginian, but an American."

Before the final adjournment (Oct. 26, 1774), a call was issued for another congress to meet in Philadelphia (May 10, 1775), "unless the redress of grievances * * * desired be obtained before that time," and all the colonies were requested to choose delegates "as soon as possible to attend such congress."

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PART II.

THE SOUTH IN THE FORMATION OF THE UNION.

Chapter I.

THE SOUTH IN THE REVOLUTIONARY WAR.

THE Second Continental Congress assembled in Philadelphia May 10, 1775, three weeks after the battle of Lexington, and continued its work until May 1, 1781. Delegates were there from all the colonies, Georgia being at first partially and later fully represented. Peyton Randolph was unanimously reelected president, but was recalled shortly afterward to preside over his own Assembly in Virginia. The vacancy in the Virginia delegation was filled by the appointment of Thomas Jefferson, whose bold leadership at home and whose talent as a writer had already attracted much attention.

In its earlier days this Congress was merely an agency for "common consultation" and "joint expostulation," but with the progress of events it assumed direction of domestic and foreign policies for the prosecution of war and the establishment of peace.

Premonitions of a Conflict.

In April, 1774, a citizen of North Carolina wrote that the colonies were "striding fast to independence," and in March, 1775, Governor Martin notified

the English authorities of the organization of a regiment and the training of troops in that colony. The citizens of Mecklenburg county adopted a Declaration of Independence May, 1775, and a few days later Governor Martin fled to a British man-of-war. The provincial congress ordered that the colony "be immediately put in a state of defense," and shortly thereafter sent troops to help the patriots of Virginia and South Carolina.

The provincial congress of South Carolina recommended (January, 1775) military drills "at least once a fortnight," exhorted the patriots to be "attentive in learning the use of arms," and appointed a secret committee (April, 1775) which promptly seized the public munitions of war. It also commissioned (July 24, 1775) a sloop, which captured (August 18) a British vessel with 11,900 pounds of powder, part of which was sent to Washington's army at Boston. A patriot force took charge of Fort Johnson, and Governor Campbell boarded a British war vessel, taking with him the great seal of the province, Sept. 15, 1775. Five months later he sailed away mortally wounded in a final attempt to reëstablish his government.

The Georgia patriots seized a powder magazine May 11, 1775, and sent part of its contents to South Carolina; spiked British cannon at Savannah, on June 2, to prevent a celebration of the king's birthday; commissioned a schooner for naval warfare and, with the aid of South Carolinians, captured (July 10, 1775) a British ship with about 16,000 pounds of powder, 5,000 pounds of which were sent to Philadelphia. They purged their militia of its "loyal element," August, 1775, and arrested their governor, January, 1776, who later escaped to a British warship.

The Maryland convention gave notice that they

meant to give more than "moral support" to the acts of Congress, and recommended a "general organization and arming of the militia." Although Governor Eden was permitted to remain at Annapolis a few months, with only a shadow of his former authority, the convention took charge of the government, July, 1775, and the Committee of Safety eleven months later conducted him to a British ship and bade him *adieu.*

As early as November, 1774, Virginia was said to be raising a company of troops in every county. A month later Lord Dunmore wrote to England that this activity was "for the avowed purpose of protecting their committees, and to be employed against the government, if occasion require." The Virginia Convention, March, 1775, encouraged the manufacture of gunpowder, and adopted a motion to embody, arm and discipline the militia. In support of the latter motion, Patrick Henry said: "If we wish to be free we must fight. * * * There is no retreat but in submission and slavery. The war is inevitable, and let it come! The next gale that sweeps from the North will bring to our ears the clash of resounding arms! I know not what course others may take, but as for me, give me liberty or give me death!" Minute-men signed a pledge (April, 1775) to defend "Virginia or any sister colony," and Patrick Henry led a force against the governor, May, 1775. The burgesses adopted Jefferson's resolutions, June, 1775, rejecting Lord North's plan of conciliation, and Lord Dunmore took refuge on a British ship and began an active warfare against the colony he had been appointed to rule.

Preparations for War.

The first great duty of the Second Continental Congress was to raise, equip and maintain an army.

In the debate on the army bill, June 15, 1775, John Adams said: "I had but one gentleman in my mind for that important command, and that was a gentleman from Virginia who was among us, and very well known to all of us—a gentleman whose skill and experience as an officer, whose independent fortune, great talent and excellent universal character would command the approbation of all America, and unite the cordial exertions of all the colonies better than any other person in the Union." Washington, to whom Adams referred, was unanimously chosen commander-in-chief of the army, the grave responsibility being conferred with the simple injunction to see "that the liberties of the country receive no detriment." With characteristic modesty Washington left the room when his name was first mentioned by Adams, but being present when the vote was finally taken, two days later, he arose and said: "I beg it may be remembered by every gentleman in this room that I this day declare with utmost sincerity I do not think myself equal to the command I am honored with." He promptly announced that he would "accept no pay for his services but would keep an account of his personal expenses, which Congress might reimburse, if it wished, at the close of the war." He reached Boston, July 2, 1775, and on the following day assumed command of the American army.

Hostilities in the South.

While Washington was fighting to rescue Boston the militia of Virginia were winning laurels at home. After Dunmore's flight to a British ship, he proclaimed martial law, offered freedom to slaves who would join his army and proceeded to lay waste the shores of the Chesapeake. A British defeat near Norfolk caused him to bombard and burn that city on Jan. 1, 1776, in order to keep it from falling into

the hands of the patriots. He continued to ravage the coast until his defeat, July 9, 1776, by a force of Virginians, when he sent the slaves who had joined him to the West Indies and embarked for New York.

The North Carolina militia met and defeated at Moore's Creek (Feb. 27, 1776) 1,600 Scotch Highlanders who were on their way to the coast to join expected forces from Boston and Ireland with a view of completely subduing the state. This little victory aroused the North Carolina patriots, whose spirited resistance prevented the landing of Clinton's troops from Boston. After waiting in vain for reinforcements from Ireland, Clinton joined Parker and Cornwallis in an expedition against Charleston.

The South Carolinians with the aid of small forces from Pennsylvania, North Carolina and Virginia, completely repulsed the attack on Charleston, June 28, 1776, and saved the South from invasion for more than two years. The honor of this first absolute victory of the Revolution is chiefly due to General Moultrie, President Rutledge and the Carolina troops. The heroic deed of Sergeant Jasper will always adorn the annals of American history.

When the British agents saw that war was inevitable they instigated the Indians to attack the backwoods settlements and furnished them with arms and ammunition for that purpose. At the time of the attack on Charleston the Cherokees began to massacre, "without distinctions of age or sex, all persons who fell into their power" from Georgia to Virginia. As most of the militia had been ordered to the defense of the seacoast, the country was desolated and hundreds of men, women and children were murdered before they could be rescued. The prompt and effective service of the brave men who fought under Robertson and Sevier saved the Watauga settlements until the frontier militia from

Georgia, the Carolinas and Virginia could assemble under Williamson, Rutherford and Christian in sufficient numbers to crush the power of the Cherokees. The summary and effective punishment then given the savages left the frontier of the lower South comparatively quiet during the rest of the war.

Declaration of Independence.

On March 23, 1775, South Carolina authorized its delegates "to concur in any measure which might be deemed essential to the welfare of America." A few days later, April 5, the provincial congress of Georgia instructed their delegates "to join in any measures which they might think calculated for the common good—charging them 'always to keep in view the general utility, remembering that the great and righteous cause in which they were engaged was not provincial, but continental!'" After the battle of Moore's Creek the provincial congress of North Carolina, on April 12, 1776, unanimously instructed their delegates in Congress "to concur with the delegates in the other colonies in declaring independency." By this step North Carolina won the coveted distinction of being the first colony to take official action looking toward a separation from the mother country.

Then followed the unanimous vote of the Virginia convention, May 14, 1776, instructing its delegates in Congress to propose to that respectable body to declare the United Colonies free and independent states. On the same day the British flag on the Virginia state house was replaced by "The Union Flag of the American States" amid a great popular demonstration. By this bold action the Old Dominion took the decisive step and again assumed revolutionary leadership.

In accordance with instructions from home, Rich-

THOMAS JEFFERSON.

ard Henry Lee, on June 7, 1776, submitted resolutions declaring among other things, "that these United Colonies are, and of right ought to be, free and independent States." We are told that these resolutions were thought by the prudent members of Congress to be so treasonable that they were not entered "even on a secret journal, and nothing but a slip of paper now preserves the original form."

It was eminently proper that a representative of the colony whose positive instructions had led to the bold step should be the author of the Declaration of Independence. By the unavoidable absence of Lee this high honor was conferred on Thomas Jefferson —one of the youngest delegates in Congress—then in his thirty-third year. A more fortunate choice could not have been made. His work was so well done that the few alterations which Congress made in the original draft affected neither the general form nor content, and the student of to-day doubts whether it was improved by these changes. Certainly the omission of the passage in denunciation of the slave trade is still to be regretted.

The efforts of critics to minimize the honor due the author by declaring that this document lacks originality is misdirected. In the execution of his task, he was the chosen mouthpiece of the colonists, and the excellence of the declaration lies in the fact that it mirrored "the soul of a nation"; for without reference to book or pamphlet he put into compact, trenchant, chaste and dignified language the political maxims and sentiments of his countrymen. In the language of Daniel Webster, "To say that he performed his great work well would be doing him injustice. To say that he did it excellently well, admirably well, would be inadequate and halting praise. Let us rather say, that he so discharged the duty assigned him that all Americans may well re-

joice that the work of drawing the title-deed of their liberties devolved upon him."

Amid innumerable demonstrations the patriots of America announced the birth of the new nation and promulgated that great document, which in the words of Buckle "ought to be hung up in the nursery of every king, and blazoned on the porch of every royal palace."

Organization of State Governments in the South.

The period immediately preceding and following the Declaration of Independence was the greatest constitution-making epoch in the history of the world. The Southern states, no longer colonies, in common with most of the other states in the Union, promptly drafted new constitutions. South Carolina was the first of the thirteen to take this important step, adopting a temporary constitution in March, 1776, and a permanent one two years later, March, 1778. Georgia followed her example by adopting a temporary constitution, April 15, 1776, which also gave way to a permanent one a few months later, Feb. 5, 1777. Virginia adopted the first and most celebrated Bill of Rights, June 15, 1776, and a constitution a few days later, June 29. The celebrated Maryland Declaration of Independence was adopted July 3, 1776, and this was followed by a Declaration of Rights, November 3, and a constitution, November 8. North Carolina adopted a Bill of Rights December 7 and a constitution on the day following. To use the words of Jefferson to Franklin, "The people seem to have laid aside the monarchal and taken up the republican government with as much ease as would have attended their throwing off an old garment and putting on a new suit of clothes."

Conquest of the Northwest.

As the Revolutionary War progressed repeated raids were made (1777) by the British and the Indians under their influence upon the frontier settlements in Kentucky, which was then a county of Virginia. Hamilton, the English commander at Detroit, because of the rewards paid for the scalps of frontiersmen, had earned the epithet of the "hair-buying general." This state of affairs appealed to a young Virginian—George Rogers Clark—who, like Washington, had been in early life a backwoods surveyor. He went to Williamsburg in the autumn of 1777 and laid before Governor Patrick Henry his scheme for capturing the British posts north of the Ohio. He received a commission as lieutenant-colonel, Jan. 2, 1778, the equivalent of $6,000 in depreciated currency, and authority to enlist Virginia volunteers for the enterprise. His adventurous expedition, its successful termination and its momentous consequences are familiar to all students of American history. Suffice it to say that starting with about 150 frontiersmen he surprised and captured Kaskaskia, Cahokia and Vincennes, sent the most dangerous captives to Virginia, detached the Indians and the French colonists from the British cause and held this country until the end of the Revolutionary War.

This conquest, under the sole authority and with the support of the Old Dominion, is noteworthy because it brought peace to the colonial frontier and extended American authority over a region that was truly imperial in extent. Illinois became a county of Virginia in 1778 and so remained until it was given to the general government for the common good.

Final Struggle in the South.

The open espousal of the American cause by France, the rejection of Lord North's final effort at

conciliation and the failure of British arms in the North caused the ministry to devise a new plan of conquest. The farms of Georgia and South Carolina had furnished not only a great part of the supplies for the American soldiers but the commodities which, sent abroad, had helped to uphold American credit in Europe. Charleston had also become a rendezvous for American privateers, and a large amount of merchandise had accumulated at that point. Many Southern troops were far from home, serving under Washington. The ministry was assured that a large proportion of the inhabitants of Georgia and South Carolina were English sympathizers. The isolation of these states from the centre of population and of recent hostilities was thought to offer opportunity for their complete subjugation before relief could reach them. These facts caused the English authorities to undertake a thorough conquest of this part of the Union with a view to making it the base of operations for the conquest of the rest of America.

In the latter part of 1778 four expeditions were sent against the small body of patriots in Georgia. Three bodies of English regulars and Tory refugees from East Florida overran a large part of the state, ruthlessly destroying and plundering as they went. A disastrous retaliatory expedition was attempted with a view of carrying the war into Florida, but the army was forced by camp diseases to return to Savannah. A fourth army of 3,500 British regulars from New York under Colonel Campbell captured Savannah Dec. 29, 1778, taking 500 prisoners and a large amount of military stores. All of these armies attempted to destroy the power of the patriots by offering protection to all who would espouse the British cause and by threatening vengeance against those who refused. Many patriots fled to the interior

and into South Carolina, and with the fall of Sunbury and Augusta the infant state of Georgia, the youngest and weakest of the thirteen, again passed into British hands. In a desperate effort to drive the British from the interior of the state, 1,500 American soldiers recaptured Augusta, but suffered a disastrous repulse at Brier Creek, March 3, 1779, all of them being killed or captured except about 450 men who escaped by swimming the Savannah River. On July 14, 1779, Sir James Wright returned to Savannah to resume his duties as royal governor of the subdued province while the British continued to plunder and devastate the homes of the patriots.

A British force of 3,000 men and a band of Indians under General Provost invaded South Carolina, ravaging the country as they went. They were confronted at Charleston by General Lincoln's army, which drove them back into Georgia. General Lincoln then coöperated with a French fleet under D'Estaing in a disastrous attempt to drive the British out of Savannah. In the final assault on the city, Oct. 9, 1779, the Americans and French lost about 800 men, among them the gallant Pulaski. The fleet sailed away and General Lincoln returned to Charleston. This was a heavy blow to the American cause, since it encouraged the loyalists to redouble their activity and caused the British to undertake a vigorous assault on South Carolina.

From this time until the close of the Revolution, South Carolina was to be the principal theatre of war. In the words of McCrady she was "rent and torn and trampled as no other state in the Union." Bancroft says that, "left mainly to her own resources, it was through the depths of wretchedness that her sons were to bring her back to her place in the republic, after suffering more and daring more and achieving more than the men of any other

state." Their vain appeals to Congress for help had forced the South Carolinians to feel that they had been forsaken by the general government. In the latter part of December, 1779, Clinton sailed from New York with 8,500 men, and after being reinforced, besieged Charleston with an army of about 13,000. General Lincoln, having unwisely attempted to hold the city, was completely invested and captured with his gallant army of more than 5,000 men, May 12, 1780. The state was then overrun by the British and subjected to the treatment that had been visited upon Georgia.

For several weeks after the fall of Charleston it seemed that South Carolina had been permanently lost to the cause of American independence. Men began to accept the proffered terms of peace which virtually placed them in a position of neutrality for the remainder of the war. The Assembly had hastily adjourned, conferring dictatorial power on Governor Rutledge and such of the council as he could conveniently consult. There was no army in the state and apparently no nucleus of any organized resistance. On June 4, 1780, Cornwallis wrote to the ministry: "I may venture to assert that there are few men in South Carolina who are not either our prisoners or in arms with us." This feeling of absolute mastery had led him the day before to change the terms upon which prisoners had been paroled, so that instead of allowing them to remain neutral in the conflict they were threatened with the extreme penalty of the law if they failed to take the oath of allegiance to the king. This meant that the people of South Carolina were offered the alternative between confiscation and death as rebels on the one hand and enlistment and service in the British army on the other.

In the meantime three expeditions had easily pene-

trated different parts of the state to take charge of military posts and organize the loyal militia. One of them marched up the Savannah River as far as Augusta, while another was sent to take charge of the post of Ninety-Six. The third and most important force was sent under Cornwallis across the Santee toward Camden with special instructions to capture Governor Rutledge and his council if possible, drive the scattered American troops from the state, overawe the inhabitants, and carry the war into North Carolina. Part of this army under Tarleton encountered a body of Virginia troops, May 29, most of whom were massacred after they had surrendered. The sufferings of the South Carolinians at the hands of Tarleton had an effect that was unforeseen by the invaders; for, instead of overawing the people by his treachery and brutality, he aroused their indignation and resentment, thereby making it impossible for them to become reconciled to the reëstablishment of royal power in their state.

The situation brought forth a number of partisan leaders around whose standard were gathered small bodies of brave men who entered upon a relentless warfare against the invaders. The most celebrated of these were Marion of South Carolina and Sumter of Virginia. They were ably seconded by Davie, Pickens and Davidson. With the exception of Davie, who equipped and furnished his corps at his own expense under a commission from the governor of North Carolina, these leaders acted without commissions, state or Continental, and their followers defrayed the expense of their own equipment, serving without pay or financial help from any source. By swift movements along obscure paths or through trackless forests they hovered around the invaders while in the camp and on the march, often dashing upon them at unguarded moments, striking heavy

blows and then suddenly disappearing to their obscure and inaccessible retreats. Unquestionably they saved the state from complete subjugation and in so doing probably saved the cause of American independence.

McCrady estimates that in five months (March 18 to Aug. 16, 1780) the regularly organized armies under the Continental generals, Lincoln and Gates, lost in the eight engagements which they fought in South Carolina 8,377 in killed, wounded and prisoners to a total British loss in the same engagements of only 647. This makes a difference of 7,730 in favor of the British in these operations. In the same length of time (July 12 to Dec. 11, 1780) the partisan bands in South Carolina under their own leaders fought twenty-six battles, resulting in British losses of 2,486 in killed, wounded and prisoners at a loss to themselves of 817 in the aggregate. In other words, they inflicted losses on the British and Tories of more than three times those sustained by themselves. Their principal victories were at Williamson's Plantation, Hunt's Bluff, Hanging Rock, Wateree Ferry, Musgrove's Mill and Nelson's Ferry. Unfortunately, many of these gallant bands served "without even an enrollment of their names, that their descendants might glory in their deeds."

Washington had sent Baron De Kalb with about 2,000 Continental troops to the relief of Charleston, but the city was captured before this force had passed through Virginia. De Kalb finally paused at Hillsboro, N. C., and while awaiting reinforcements from the militia and deliberating on his line of march he was superseded, July 25, 1780, by General Gates, the "hero of Saratoga," whom Congress had placed in command of the American forces in the South. This appointment was made contrary to the well-known wish of Washington, who desired to see

General Greene appointed to the important and responsible position.

Gates promptly set aside De Kalb's plan of march and, against the advice of his principal officers, started his "Grand Army," as he called it, on the least feasible of many roads leading to Camden, a strategic point which was held by a strong British force. He rashly attacked the united forces of Cornwallis and Rawden on August 16, after having lost an opportunity to engage a smaller force under the latter commander alone. Although the American soldiers fought with desperation, they were outflanked and, after rallying twice, were seized with panic and many of them threw away their arms and fled. The Americans lost seventy officers and 2,000 men killed, wounded and prisoners, among them the gallant De Kalb, who died in British hands after receiving eleven wounds. The British loss was only 324 men. Without ordering a retreat or attempting to save his army, Gates ignominiously forsook his men and fled to Hillsboro, N. C., thus fulfilling Charles Lee's prophetic intimation that his Northern laurels might change to Southern willows. This apparently irreparable disaster caused great rejoicing among the loyalists who constituted the larger part of the British force in the battle. With the defeat of Sumter's army at Fishing Creek a few days later Cornwallis was encouraged to invade North Carolina. He sent Ferguson into the western part of South Carolina to enlist loyalist recruits with instructions to rejoin him at Charlotte. In the meantime Gates at Hillsboro was trying in vain to raise another army.

In reply to Ferguson's threat to the frontiersmen across the mountains to hang them and devastate their country with fire and sword, they donned their hunting shirts, shouldered their rifles and went

to war under the command of Campbell, Shelby, Sevier and McDowell. After joining the patriots from the older settlements under Cleveland, the combined forces of nearly 1,500 men surrounded Ferguson's army on the top of King's Mountain and promptly accepted his challenge to "all the rebels outside of hell" to take him. These Indian hunters fought from behind trees, steadily closing in upon the Tories, whose ranks were thinned by their deadly fire. Within an hour (Oct. 7, 1780) Ferguson and over 300 of his men were dead and the rest of them, with their arms and equipments, were in the hands of the "rebels." The American loss was twenty-eight killed and sixty-two wounded. After delivering their prisoners and spoils to the proper authorities, the heroes of King's Mountain returned quietly to their homes. This battle turned the tide of war in the South, and Cornwallis at once (October 14) took up his line of retreat into South Carolina.

Tarleton having been ordered to protect the main army, is reported to have said to his men: "Come, my boys! Let us go back, and we will soon find the game-cock [Sumter]; but as for this d——d *old fox* [Marion], the devil himself could not catch him." He found the "Game-cock" and was defeated by him at Blackstocks (November 20), with a British loss of 192 killed and wounded and an American loss of only one killed and three wounded.

Clinton had started Leslie with reinforcements from New York to the Chesapeake to join Cornwallis in North Carolina for an invasion of Virginia. But the battle of King's Mountain having forced Cornwallis to retreat to South Carolina, Leslie was ordered to Charleston. Although his reinforcement of 2,300 men did not replace the losses (2,486 men) which the partisan bands had inflicted on the Brit-

ish, Cornwallis was encouraged to attempt another invasion of North Carolina.

Fortunately for the American cause Congress removed Gates from command and permitted Washington to name his successor. General Greene promptly took charge (Dec. 4, 1780) of the small body of about 2,300 poorly equipped and undisciplined men whom Gates had at last collected at Charlotte. Around him were gathered a corps of able officers, among them Light-Horse Harry Lee, Daniel Morgan and William Washington of Virginia, and Howard and Williams of Maryland. A body of about 1,000 men under Morgan won a brilliant little victory over Tarleton at Cowpens, Jan. 16, 1781, the aggregate American loss being only seventy-two while that of the British was 784. The effort of Cornwallis to capture Greene's army was frustrated by Williams and Lee, who operated on the flanks of the British army while their commander made a masterly retreat into Virginia. Pickens and Lee were then sent into North Carolina to help Williams in his efforts to keep reinforcements from joining Cornwallis and to check his conquests in that state. Greene soon followed with his main army and met Cornwallis at Guilford Courthouse, March 15, 1781. Although the British claimed the victory, Charles Fox is alleged to have said that "such another victory would destroy the British army." Cornwallis then hastened to Wilmington for reinforcements from the British fleet and Greene went to the assistance of South Carolina. The American defeat at Hobkirk's Hill (April 25) by Rawdon was soon redeemed by Sumter at Orangeburg (May 11), by Marion and Lee at Fort Motte (May 11), by Sumter and Lee at Granby (May 15), and by Rudulph at Fort Galphin (May 21), in which engagements the patriots, without the loss of a single man, inflicted an aggregate loss of

720 men upon the British and forced Rawdon to retreat to the seacoast. With the capture of Ninety-Six (June 19) by Greene the last British stronghold in upper South Carolina passed into the hands of the patriots. After the battle of Eutaw Springs (September 9), the last great conflict of the war in South Carolina, the British retreated to Charleston, having lost, in a few months, conquests that had cost them enormous sacrifices of men and money extending over a period of more than three years. A year after the capture of Cornwallis at Yorktown Charleston was peacefully evacuated (Dec. 14, 1782).

McCrady tells us that out of the 137 "battles, actions and engagements" fought in South Carolina during the Revolution, 103 of them were fought by the South Carolinians alone and twenty others by the South Carolinians in coöperation with the troops from other states.

In the meantime the recapture of Augusta on June 5, 1781, by Pickens and Lee had opened the way for driving the British out of Georgia. In spite of Governor Wright's lusty call for aid no adequate British force could be spared to roll back the rapidly rising tide of conquest. Twiggs, Jackson and Pickens drove back the British and subdued the Indians, who were making a final effort in behalf of their allies. In fulfilment of his promise to aid the Georgia patriots, Greene, after the surrender at Yorktown, sent them troops under Wayne (January, 1782), and the combined forces soon drove the British out of the state. Savannah was evacuated July 11, 1782.

Although Maryland suffered less at the hand of invaders than did the other Southern states, this good fortune was due only to force of circumstances. Her zeal in the cause drew from the state large forces of men, more than 20,000 in the aggregate, who joined

WASHINGTON AND FRENCH OFFICERS AT YORKTOWN.

the Revolutionary army both North and South, leaving their own borders largely unprotected. Ramsey's command doubtless saved Washington's army at Monmouth. Maryland troops rendered conspicuous service at Cowpens, where their commander, Howard, held in his hands "seven swords of officers who had surrendered to him personally;" at Guilford Courthouse and Hobkirk's Hill, where they turned the tide of battle, and at Eutaw Springs, where Greene said their conduct "exceeded anything he ever saw."

Instead of going by sea from Wilmington to the relief of Rawdon at Charleston, Cornwallis decided to invade Virginia, feeling that the South could never be conquered as long as that state was in the hands of the patriots. As the citizens of that state, following the example of her most illustrious son, were helping their struggling neighbors in other parts of the country, the auspices seemed most favorable for a complete conquest of the Old Dominion. Steuben, who was in general command of Virginia, had just sent all the troops he could raise to reinforce Greene. The traitor Arnold had landed a force of about 1,700 men at Portsmouth (December, 1780) and with 900 of them he had ascended the James River to Westover and captured Richmond (Jan. 5, 1781). In April of the same year another force of 2,500 men under Phillips had ascended the James River, burned the warehouses at Petersburg and laid waste the country toward Richmond. When near this place he encountered a force of 1,200 regulars sent by Washington under command of Lafayette, and retreated to Petersburg, where he soon died of fever. Cornwallis took charge of Arnold's force in May, 1781, and set out with 7,000 men to capture Lafayette. He thought he would have an easy victory over the young French general of only twenty-three

years, and wrote: "The boy cannot escape me." Lafayette with his small army of about 3,000 men, chiefly militia, "not strong enough to be beaten," retreated, persistently refusing during the whole of May and part of June to be drawn into battle. But upon the arrival of reinforcements under Anthony Wayne he suddenly became so aggressive that Cornwallis thought it prudent to retreat to Yorktown. Lafayette settled down at Malvern Hill and informed Washington of the situation. Washington and Rochambeau with about 16,000 men quickly left New York and joined Lafayette (September, 1781). The large American army cut off all chance for Cornwallis to escape by land while two French fleets, manned by about 20,000 sailors, on the water front destroyed all hope of aid from the British navy. After a desperate resistance Cornwallis surrendered his army of between eight and nine thousand men with their equipment (Oct. 19, 1781).

The limitations of this narrative forbid even a meagre treatment of the naval services of the South in the Revolution. Georgia was the first of the Southern colonies to commission a vessel for war (July, 1775). South Carolina organized a small navy of her own, fitting out eleven vessels and pledging her credit for European vessels and equipments. Although a number of prizes were taken, the state lost heavily in this spirited attempt to wage war on the high seas. Maryland equipped a large number of privateers, "by some estimated at two hundred and fifty or more," that preyed on British commerce. North Carolina had a little state navy of four vessels and Virginia adopted similar measures to protect her coast. The latter state furnished the American navy with John Paul Jones, a Scotchman, who had settled on her soil in 1773. After various useful services, he secured in 1776 an antiquated East India

BATTLE BETWEEN THE SERAPIS AND BON HOMME RICHARD.

Sept. 22, 1779.

merchantman, which he transformed into an American man-of-war. Issuing from French waters, he captured, in a strange moonlight encounter, the British ship *Serapis,* an achievement for which the king of France presented him a gold sword and Congress voted him a gold medal. His other services to the cause of liberty, too numerous to mention, were second only to those of Virginia's most honored citizen, who was commander-in-chief of the American army.

By invitation of the Maryland legislature, Congress met at Annapolis in November, 1783, and there Washington resigned his commission (December 23) and retired to private life. The military services of this great Southerner have not fallen within the limits of this sketch, yet the subject cannot be dismissed without a brief reference to his career. One English writer, Green, says of him: "No nobler figure ever stood in the forefront of a nation's life." Another Englishman, Thackeray, says: "Here indeed is a character to admire and revere; a life without a stain, a flame without a flaw." His self-control, his keen sympathy, his quiet and unassuming manner, his moral and physical courage, his unswerving integrity, his accurate judgment of men and measures, his unselfish devotion to his country, his prompt recognition of the meritorious services of his colleagues, his magnanimity toward his enemies, his hopefulness in disaster, his patience in waiting, his skill in retreat, his resourcefulness in attack, his calmness in victory, his prudence and justice in the exercise of authority, his serenity in the face of criticism and treachery, and his vigilance at all times are among the traits which make him the most conspicuous character in American history.

Comparative Statistics.

It is impossible to give the exact number of soldiers the South contributed to the Revolution. Un-

fortunately for historical accuracy, many Southern forces served without muster rolls. General Knox in his report to Congress (May 11, 1790) says that "in some years of the greatest exertions of the Southern states, there are no returns whatever of the militia employed." On the other hand, the war in the Northern states assumed a more regular character and the rolls are, for the most part, complete. By comparing the "scant memoranda, almost providentially preserved," with the returns of the first census, Dr. J. L. M. Curry has prepared the following statistics, which are worthy of note in this connection. He says:

"In 1790, the white male population over sixteen years of age, in Pennsylvania and Virginia, was about the same, the former being 110,788, and the latter, 110,934, and yet, according to the official estimate presented to the first Congress by the secretary of war, Gen. Henry Knox of Massachusetts, Pennsylvania furnished 34,965 soldiers and Virginia 56,721. New Hampshire had a military population 513 larger than South Carolina, and she contributed 14,906 soldiers and South Carolina, 31,131. The latter quota is nearly equal to that of Pennsylvania, which had triple the military population and twice the total population, free and slave. South Carolina outnumbered New York's troops, 29,836, although New York had much more than double the military population, and 40 per cent. more of total population. Connecticut and Massachusetts did more than any of the states, not Southern, and yet South Carolina sent to its armies thirty-seven out of every forty-two citizens capable of bearing arms; Massachusetts sent thirty-two; Connecticut thirty; and New Hampshire eighteen. * * * Again, while sending its troops freely to any part of the country, it [the South] fought in very large degree its own battles and the losses sustained in supporting this home conflict were far heavier than any amount of taxation ever levied. * * * According to General Knox's report, the North sent to the army 100 men of every 227 of military age, as shown by the census of 1790, and the South 100 for every 209. * * * These are authentic historical facts, and are not presented by way of recrimination, but to establish equality and justice. If there were inequality of burdens, if the South made heavy sacrifices, they were cheerful free-will offerings on the altar of Liberty."

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CHAPTER II.

THE SOUTH IN THE CONFEDERATION.

THE cessation of hostilities after the surrender of Cornwallis brought new dangers to the infant nation. The soldiers were greatly agitated over the delay of Congress in providing remuneration for their services. Certain officers at Newburg drew up an address to Congress which showed by its menacing though respectful tone that the patience of the army had been well-nigh exhausted and that further postponement of their pay might be perilous. The circulation of an anonymous letter (March 10, 1783) gave unmistakable evidence of a conspiracy to resort to violence for the redress of their grievances. This meant of course nothing short of a sanguinary civil conflict with its possible termination in a military despotism. The only man in the nation who could avert the impending calamity was the beloved commander-in-chief of

the army. He appeared in the midst of the officers and soldiers, who were inflamed by passion and aroused by cupidity. As, with evident emotion, he drew from his coat pocket an address which he had carefully written and reached for his spectacles, he remarked: "Gentlemen, you will permit me to put on my spectacles, for I have not only grown gray, but almost blind, in the service of my country." We are told that this statement, with the mode and manner of delivering it, "drew tears from [many] of the officers."

He then read his eloquent, patriotic and effective address in which he appealed to the higher motives and nobler principles of his men. He not only calmed their passions and awakened their generosity, but denounced the conspirators and rebuked their disgraceful methods. "And let me conjure you," he said in conclusion, "in the name of our common country, as you value your own sacred honor, as you respect the rights of humanity, and as you regard the military and national character of America, to express your utmost horror and detestation of the man who wishes, under any specious pretences, to overturn liberties of our country, and who wickedly attempts to open the flood gates of civil discord, and deluge our rising empire in blood." When he withdrew, the assembly, then in tears, passed resolutions expressing their confidence in Congress, rejecting "the infamous proposals of the anonymous circular," and requesting their great commander to urge Congress to give prompt attention to their claims.

When Washington disbanded the army, he issued a circular letter to the states, in which he pointed out the dangers then confronting the country. Among other things he said: "This is the favorable moment to give such a tone to our Federal government, as will enable it to answer the ends of its institution,

or this may be the ill-fated moment for relaxing the powers of the Union, annihilating the cement of the Confederation, and exposing us to become the sport of European politics, which may play one state against the other, to prevent their growing importance, and to serve their own interested purposes."

Articles of Confederation.

Richard Henry Lee's resolutions (June 7, 1776) announcing the independence of the colonies contained a concluding paragraph which provided for the preparation and transmission of a plan of confederation to the colonies for their consideration and approbation. The day after the appointment of the committee of five to draft the Declaration of Independence, another committee of thirteen, one from each colony, was also named "to prepare and digest the form of a confederation to be entered into between these colonies." The latter committee reported (July 12, 1776) a draft of thirteen Articles of Confederation and Perpetual Union, which after a delay of sixteen months was finally adopted and transmitted (Nov. 15, 1777) to the state legislatures for ratification. In spite of the urgent request of the president of Congress that these articles receive "immediate and dispassionate attention," they were not accepted by all the legislatures until the expiration of nearly three and a half years after their tardy adoption by Congress.

The states were reluctant to surrender any of their newly acquired powers. In two constitutions, South Carolina had declared her right to wage war and make treaties. Virginia had ratified the French treaty of 1778, and both of these states, as well as others, had sent their agents abroad to purchase arms and ships. We are told that Virginia had even "negotiated with Spain for the purpose of establish-

ing a fort on Virginia's western border to protect the trading interests of the two sovereign states."

In adopting the articles seven states proposed amendments, forty-six in all, and Maryland refused to ratify until the states that claimed western lands should surrender their claims to the general government for the common good. All the Southern colonies except Maryland had such claims, and Virginia by the expedition under George Rogers Clark had overthrown British authority and organized the county of Illinois in her territory, north of the Ohio. But the persistence of the demand of Maryland finally bore fruit. On Feb. 19, 1780, New York surrendered her western claim, more or less shadowy, which was based on an Indian treaty. Congress then advised (September 6) that other states having western claims surrender a portion of them and resolved later (October 10) that the lands thus acquired by the general government should be "disposed of for the common benefit of the United States" and "be settled and formed into distinct republican states which shall become members of the Federal Union" on an equality with the original states.

These acts of Maryland and New York and the resolves of Congress prepared the way for the greatest voluntary sacrifice of territory recorded in the annals of the United States. The Assembly of Virginia offered (Jan. 2, 1781) to surrender her claims to the general government on the grounds that she preferred "the good of the country to every object of smaller importance." The Assembly of Maryland then entered the Confederacy (March 1, 1781) as the thirteenth state.

Uniformity in the Solution of Local Problems.

Although the states had entered into a weak and ineffectual union, the only kind that was possible at

the time, they were undergoing experiences at home which were tending toward a more vital unity. "Congress had steadily declined in power and in respectability" as the war advanced, and, in spite of the efforts to form an effective union, alarming symptoms of dissolution and the establishment of thirteen little republics were to be seen on every hand. But the retention of certain inherited institutions as well as the abolition of others by the independent action of the states established an uniformity which "tended to assimilate the states to one another in their political and social condition."

Other states soon followed the lead of Georgia in abolishing the English system of primogeniture and entails. The old manorial system rapidly waned in Maryland and New York. Religious liberty was gradually assured by the total separation of church and state and the passage of laws that granted freedom of worship to all denominations. The most notable changes in religious legislation were in Virginia, where, through the influence of Jefferson and Mason, as early as 1776 a bill was passed to legalize all forms of religious worship. Nine years later (1785) Madison carried through the Assembly a bill, drafted by Jefferson in 1779, to disestablish the Church of England and remove all religious tests. By this last provision, Virginia again "came to the front among all the American states." This statute was widely read and commented on in Europe, "being translated into French and Italian." In only one respect was there great diversity in dealing with inherited institutions. African slavery had been fostered and held in the colonies by the mother country and was consequently an established institution in all of them at the outbreak of the Revolution. Virginia in 1778 and Maryland in 1783 prohibited the further importation of slaves and removed all

restraints upon emancipation, and North Carolina in 1786 discouraged the trade by putting a duty of £5 on each slave thereafter imported. This movement fell short of unanimity in the Southern states by the non-action of Georgia and South Carolina.

Formation of a National Public Domain.

Maryland's proposition with reference to the western lands is worthy of more than a passing notice in this connection. It was that this region should be divided into new states to be ultimately admitted into the Union on an equal footing with the original states under the superintendence of Congress. This unprecedented proposition was the germ of our admirable territorial system under which the United States has since prepared its new accessions of territory for the duties and responsibilities of statehood. This system of dealing with unoccupied regions is in every way worthy of the great Republic.

The action of Virginia on surrendering territory to which she had a flawless title has been characterized as "the most important step toward union since the appointment of Washington to the head of the national army." The great public domain, imperial in extent, which was thus acquired was the first rich legacy received by a bankrupt government. It not only provided an ultimate source of revenue to the weak nation, but presented a common governmental problem, the solution of which called for a united effort on the part of the thirteen colonies.

On the day that Virginia completed her cession (March 1, 1784) Jefferson reported a temporary plan of government for the Northwest Territory which with certain amendments was finally adopted (April 23) by Congress. The amendment which caused the greater regret to its author was the elimination of the clause forbidding slavery in that region after the

year 1800. Another amendment struck from his ordinance an article that forbade the granting of titles of nobility. The following features of Jefferson's plan were incorporated in the final ordinance of 1787: The ultimate division of the territory into small states with republican governments; their admission to the Union on an equality with the older states as soon as they acquired the requisite population; congressional representation of territories by delegates with the right to debate but not to vote; the gradual introduction of home rule by successive steps in territorial development with the increase of population; the restriction of slavery; the territory was to remain forever a part of the United States; and the inhabitants were to pay a portion of the national debt. Jefferson's ordinance imposed no property qualification for voting or holding office, while the Ordinance of 1787, which was "presumably drafted under democratic New England ideas," required a property qualification of representatives in the territorial legislature and of voters for the same.

The tardy action of the states in surrendering their western claims south of the Ohio River prevented the formation of a comprehensive territorial scheme for the government of that region. At the time of the Virginia cession of the Northwest Territory, Jefferson, Washington and other Virginians wished also to surrender Kentucky, which had been organized as a county of the Old Dominion in 1776, but their sentiments did not prevail. Although the Virginia Assembly as early as 1786 passed its first act looking toward a separation from Kentucky, that region remained a part of the Old Dominion until 1792, when it was admitted into the Union with the consent of the parent state. In 1784 North Carolina offered to cede her western territory, now embraced in the state of Tennessee, with the stipulation that

the cession must be accepted by Congress within two years and that until its acceptance she should retain the sovereignty over that region. The inhabitants of the country in anticipation of the acceptance of the cession drew up a constitution, organized the independent state of Franklin (1785) and applied for admission to the Confederation. North Carolina protested against this movement and, having withdrawn her offer to surrender the territory, carried on a mild warfare against the rebellious state until 1788, when the ambitious little republic surrendered all claims of independence. Two years later North Carolina made a final cession of this territory to Congress. In 1787 South Carolina surrendered to Congress a narrow strip of land about twelve miles wide, which extended from her present western boundary to the Mississippi. The last important cession of western land made by a Southern state was the Georgia cession of what is now the greater part of Alabama and Mississippi (1802).

Public Land Surveys and Monetary System.

On May 7, 1784, Jefferson made a report to Congress which led to the adoption of the convenient and efficient "rectangular system" of public land surveys, since used by the Federal government. As a result of his partiality for the decimal system, his report provided that all public lands should be divided into squares or "hundreds," each of which should be ten miles square and should, therefore, contain one hundred square miles. A year later (May 3, 1785) an amendment was adopted whereby the size of the township was reduced to six miles square. Although there has been much discussion over the origin of the measure, Jefferson's connection with its adoption by Congress has justified the

THE UNITED STATES IN 1783
Scale of Miles
0 50 100 200 300 400
Longitude West from Greenwich
CANADA
NOVA SCOTIA
NEW BRUNSWICK
MAINE
VERMONT
NEW YORK
MASSACHUSETTS
CONN.
R. I.
VIRGINIA
BY CHARTER OF 1609
MASSACHUSETTS
BY CHARTER OF 1628
CONNECTICUT
BY CHARTER OF 1662
PENNSYLVANIA
MARYLAND
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
CLAIMED BY SPAIN, UNITED STATES AND GEORGIA
FLORIDA
LOUISIANA
TERRITORY
NORTHWEST
LAKE SUPERIOR
LAKE MICHIGAN
LAKE HURON
L. ERIE
L. ONTARIO
ATLANTIC OCEAN
GULF OF MEXICO
BAHAMA ISLANDS
CUBA
JAMES BAY
Quebec
Montreal
Detroit
Buffalo
Erie
Pittsburgh
Harrisburg
Philadelphia
Baltimore
Annapolis
Mt. Vernon
Richmond
Yorktown
Norfolk
Williamsburg
Charlottesville
Lexington
Cahokia
Vincennes
St. Louis
Ft. Kaskaskia
Wilmington
Hatteras
Charlotte
Salisbury
Guilford C.H.
Raleigh
Cowpens
Camden
Georgetown
C. Fear
Ft. Grandy
Augusta
Orangeburg
Charleston
Beaufort
Savannah
Ft. Sunbury
Natchez
St. Augustine
New Orleans
Boston
Plymouth
Providence
New Haven
Hartford
Springfield
Albany
Schenectady
Saratoga
Portland
Bangor
Eastport
Halifax
Crown Point
Detroit
Ft. Miami
Ft. Niagara
York
Lancaster
Reading
Princeton
Trenton
Wilmington
Annapolis
Alexandria
Fredericksburg
Petersburg
Suffolk
Newbern
Hillsborough
Guilford
Salisbury
Charlotte
Ninety-Six
Pendleton
Greenville
Abbeville
Ft. Pickens
Pensacola
Mobile
Ft. Stoddert
Ft. Confederation
Ft. Massac
Kaskaskia
Cahokia
Vincennes
Lexington
Frankfort
Louisville
Cumberland R.
Tennessee R.
Ohio R.
Mississippi R.
St. Lawrence R.
Kennebec R.
Connecticut R.
Hudson R.
Delaware R.
Susquehanna R.
Potomac R.
James R.
Roanoke R.
Pedee R.
Santee R.
Savannah R.
Altamaha R.
Apalachicola R.
Chattahoochee R.
Alabama R.
Tombigbee R.
Pearl R.
Red R.
Arkansas R.
Missouri R.
Illinois R.
Wabash R.
Kanawha R.
Monongahela R.
Allegheny R.
Genesee R.
Mohawk R.
Hudson R.
Lake Champlain
Lake George
Lake Ontario
Lake Erie
Lake Michigan
Lake Huron
Lake Superior
James Bay
Gulf of Mexico
Atlantic Ocean
Bahama Islands
Cuba
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popular characterization of it as "Jefferson's system of public land surveys."

In January, 1782, Congress began to direct attention to a national system of coinage. Numerous reports were made by Gouverneur Morris, but no final action was taken until Morris's plan was perfected by Thomas Jefferson, who suggested that the dollar be made the unit with a decimal scale of subdivision. Although Jefferson's changes were opposed by Morris, they were adopted by Congress in July, 1785, only a few weeks after the passage of the celebrated land survey bill referred to above.

Disintegration of the Union.

The fatal weakness of the Confederation appeared at an early date. Before the Articles of Confederation had been adopted by all the states, Congress had proposed (Feb. 3, 1781) an important amendment to provide for paying the indebtedness of the United States. As all amendments required the unanimous consent of the states, this proposition was defeated by the opposition of Rhode Island. A second amendment, known as a "general revenue plan" was then proposed (April 12, 1783), but it was defeated by the opposition of New York.

The failure of these efforts to make the Union more effective was not due to the opposition of the Southern states or to the indifference of their leaders. Southern statesmen were active and persistent in their efforts to improve the situation. As early as March 16, 1781, Madison made a report to Congress which directed attention to the fact that, by adopting the Articles of Confederation, the states had, by implication, invested Congress with the right to carry them into effect, and he suggested the adoption of an additional article which would give that body unquestioned authority to employ force

to compel the states to discharge their Federal obligations. This report was referred to a special committee for which Mr. Randolph made a report (August 22, 1781), citing twenty-one particulars in which the Articles needed to be enforced and suggesting seven additional articles, all of which were intended to increase the power of Congress.

A third amendment was finally submitted to the states for ratification (April, 1784). It was intended to give Congress the power to discriminate against foreign countries that refused to make commercial treaties with the United States. This amendment met with even less favorable consideration than had been accorded to the first two. In urging its acceptance, Washington said: "We are a united people, or we are not so. If the former, let us in all matters of national concern act as a nation which has a national character to support."

Monroe then submitted to Congress a proposition to amend the Articles of Confederation so as to give Congress the power to regulate commerce and to control certain other important matters. After some discussion (July, 1785), this suggestion was passed over without any decisive action. A year later (August, 1786), at the instance of Mr. Pinckney, seven important amendments were reported by a grand committee, but no final action was taken on them.

In the meantime local disorders, beginning with Shay's rebellion in Massachusetts, had spread to Virginia, where several prisons, court houses and clerk's offices were burned. Washington wrote to Jefferson: "The question whether it be possible and worth while to preserve the union of the states must be speedily decided some way or other."

A crisis was reached in 1786, when the states openly violated the Articles of Confederation. Rhode

Island not only recalled her delegates, but refused to appoint others; New Jersey refused to pay her share of the requisition of Congress unless an objectionable New York tariff were removed, and all the states paid only one-fifth of the requisitions for that year. Massachusetts, Pennsylvania, North Carolina and Georgia had raised troops in violation of the Articles of Confederation. Davie, of North Carolina, said that the "encroachments of some states on the rights of others, and of all on those of the Confederation, are incontestable proofs of the weakness and imperfections of that system." Charles Pinckney, of South Carolina, declared (May, 1786) that "Congress must be invested with more powers, or the Federal government must fall." Washington referred to the Union as "the half-starved, limping Government, that appears always moving upon crutches and tottering at every step."

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Chapter III.

THE SOUTH IN DIPLOMACY DURING THE REVOLUTION AND UNDER THE CONFEDERATION.

I. During the Revolution.

AMERICA has played a great part in the development of international law, but this has been mainly in the last century. When we ascend to the sources, to the time when the United States was taking its place as one of the nations of the world, we find a different state of affairs. England had, through the Seven Years' War, become the dominant naval power, although Holland and Spain were unwilling seconds, and Denmark and Sweden and even Russia had their ambitions on the sea. France, then, as always, was the most interesting nation on the Continent, although maladministration as well as growing economic and political questions had for the time being limited her activities abroad. The most aggressive country was Prussia under Frederick the Great.

It was under these circumstances that the new country in America came into being. The revolt of the British colonies coincided with a transition period in Europe, a time of trade exclusiveness and political jealousy among the powers. Modern international law dates from the work of Grotius on *War and Peace* in 1525, but it was so far almost a glittering generality. European rulers lauded the treatise, and paid no attention to it in practice. There was living at this time Vattel, whose Law *of Nations* was eagerly read far outside his own little Switzerland; but the only sanction which the

law of nations can have, the public opinion of the world, was not yet in existence. There was little public opinion anywhere save in France and England, and in the one it was confined to theoretical discussions on politics and religion, and in the other concentrated on the wealth of nations and the industrial revolution which steam and machinery were bringing.

International law is carried into effect by treaties, the countries interested acting by diplomats, whether they be statesmen at home or ministers abroad; and up to the time of which we speak the latter were little more than clerks of their respective governments. The subjects covered might range through the whole field of national contact, whether peace or war, neutrality or commerce, but the old mediæval exclusiveness still kept war and boundaries in the foreground. The privileges of ambassadors were still a greater subject of controversy than they have been since the work of the ambassadors became more important than the dignity of their sovereigns.

The American provinces had already been united, but it was only through subordination to the home government at London. The war was at first for reforms and when the colonies declared their independence in 1776 their constitutional position was uncertain. At first they were merely a voluntary league, recognizing from necessity a common head in the Continental Congress, made up of their delegates. The colonies in revolt extended from Massachusetts to Georgia, with indefinite claims over the Alleghanies, it is true, but confined practically between the Alleghany Mountains and the Atlantic. The larger part of the country, both in size and population, was south of Mason and Dixon's Line. Virginia, with over half a million people, was the largest and richest, Massachusetts and Penn-

sylvania next, then North Carolina, Maryland, and Connecticut, each about half as populous as Virginia; South Carolina, New York and New Jersey were somewhat smaller, and Georgia with 30,000 was the smallest of all. The compactness of the eastern colonies, however, made their influence more easily brought to bear.

The original colonies had grown up in isolation, the Anglo-Saxons developing different characters in their new homes, under somewhat different pioneer conditions, but all confronted by Indians uniformly hostile. The presence of fisheries, particularly off Newfoundland, made the Northeast maritime and commercial; the wider extent of fertile soil, together with a warm climate, made the South agricultural, and negro slavery, a universal institution of the day, was more profitable there than in the East, although it flourished also in the Middle states. At the South the original differentiation had been between the broad Virginian of rural habits, and the active Carolinian of Charleston. Only Virginia produced, Virginia alone of all America could produce, characters having the poise of Washington, and, polished by travel, the philosophic scope of Jefferson. Carolina had been the march or border against the Spaniard of St. Augustine, as well as the base for the trader who found his way around the end of the Appalachians to compete with the French of the Mississippi Valley. When Georgia was founded it followed in the steps of Carolina, and became the buffer colony against the Spaniard and Frenchman. The feud of Teuton and Latin, dating back to the Roman empire and intensified by the Elizabethan seamen, seemed to have been inherited by Georgia, and was transmitted by her to the American Confederation of which she formed the southern limit.

On the north was Canada, which had not joined

in the revolt, although one would have supposed it restless after its conquest from France, nor did the lately conquered Floridas, extending from the Atlantic to the Mississippi, waver in their loyalty to England. The Indians occupied all the Mississippi Valley between, but Georgia, North Carolina and Virginia claimed the reversion of their lands. During the progress of the struggle, George Rogers Clark conquered the Northwest and thus extended Virginia's limits. The Northern colonies also had some western claims, but they were insignificant in comparison. Their strength lay in commerce, shipping and fisheries, as that of the Southern lay in agriculture. There was already the beginning of the intensive and extensive civilizations over against each other, which were to play so great a part in the development of the country.

As a result, the territorial questions connected with the new nation would be principally Southern; the commercial questions would be mainly Northern. The diplomats who were to settle them might be from either section, but, owing to the more rapid growth usually accompanying commerce, they might more naturally be expected to be from the North and East.

There arose also other questions than territorial. The American Revolution was at first a civil war. In New York and Pennsylvania it was doubtful whether those who called themselves Patriots or those who called themselves Loyalists were the more numerous. The conservative elements, and thus much of the commercial interest, were lukewarm if not hostile to the revolt, and while not so apparent in other Southern colonies the same was marked in South Carolina. As the insurgents gained ground, however, these Tories suffered from social ostracism, then were marked out by test oaths,

and finally their activity checked by confiscation of debts and property, and even by exile. The country was gradually cleared except that New York City and Charleston, while in British hands, became Meccas for these unfortunate if not pauper refugees. A great question was raised for future diplomacy.

Shortly after the Declaration of Independence John Adams, of Massachusetts, had Congress pass resolutions defining the principles on which treaties should be negotiated, laying special stress upon commercial matters and declaring against entangling alliances. Congress acted through a committee, which had little to do, and at first the same was true of the agents, like Deane and Franklin, who were sent abroad to seek foreign recognition. The new confederacy was glad to get whatever it could.

II. Under the Confederation.

The surrender of the British general, Burgoyne, in 1777 led to the formation of the Confederation under written articles at home and to more successful diplomacy abroad. Already from jealousy of England the French had been affording valuable assistance in the way of arms and munitions, but it was by a subterfuge which reflected little credit on either side. Beaumarchais, more celebrated for his plays than for his diplomacy, had induced the French government to furnish supplies to a fictitious firm called Hortalez & Cie., who in turn sold them to the Americans, but after the treaty of alliance of Feb. 6, 1778, France offered open and generous assistance to America. The main author of this treaty was Benjamin Franklin, although the impulsive Adams came over from Holland to assist, while the Southern Arthur Lee did more harm than good. The able Henry Laurens, of South Carolina, destined

for Holland, had been captured by the British, and his talents were lost in the Tower of London.

England now found conditions entirely different, for the new Confederation had an international position. Spain did not become an ally, but by making war upon England afforded indirect assistance. Her activity, however, was to raise questions in the future, for Galvez in 1779 conquered Florida from the British and thus placed on the south a Spanish neighbor instead of British provinces. The next year the arrogance of England upon the high seas produced the Armed Neutrality of the northern powers, Russia, Denmark and Sweden, who were joined by Holland. England took this so amiss that she soon declared war upon Holland, and in 1782 a treaty resulted between the Dutch and the Americans.

The War of Independence thus passed through two stages. In the first the colonies had fought on as best they could in a civil struggle, while in the second they made a part of what was a war between France and England. In the first they were cut off from all other countries, except so far as they secured aid indirectly from Hortalez & Cie. across the ocean and by the Mississippi and Ohio rivers from the Spanish authorities at New Orleans. In the second they were recognized as an independent nation on conditions somewhat of equality with other countries.

When after the fall of Lord North's ministry it became possible to open negotiations with England for independence, the question of boundaries became all important. France had supposed that she was to dominate everything, and the treaty of alliance provided that neither of the contracting parties should make peace without the other. There came about, however, a kaleidoscopic change. Franklin

found that the French plan was to confine the United States between the Alleghanies and the ocean, leaving the northern half of the Ohio Valley to England and the southern half to the Indians, while Spain should have both banks of the Mississippi, as well as the gulf coast. The British, however, preferred to have the Americans as neighbors rather than the Spaniards, and by a secret treaty Nov. 30, 1782, recognized the United States as extending to the Mississippi on the west and from the great lakes to the line of 31° on the south. By a subterfuge this was called a provisional treaty and was not to go into effect until France and England made their own peace. Spain was not consulted and as between the United States and England there was added the further subterfuge of a secret article in which the American line of 31° was to be superseded by the old line, from the mouth of the Yasous to the river Apalachicola, *i. e.*, 32° 28′, if Great Britain's treaty with Spain should restore to the English the province of West Florida.

There was another question than that of boundaries which was a stumbling block during the negotiations. England had not made judicious use of Loyalists during the war, but she had sheltered many and was unwilling to abandon them. Many had finally fled to Canada and were in distress. So she exacted in Article V. that "the Congress shall earnestly recommend it to the legislatures of the respective states to provide for the restitution of all estates, rights and properties, which have been confiscated."

The definitive treaty was signed at Paris on Sept. 3, 1783, after France, Spain and Great Britain had effected their treaty of peace. From the final treaty was omitted all reference to the secret article, for Great Britain had not secured the restitution of

Florida, and the southern boundary was fixed on the line of 31°.

The new nation stood full fledged before the world. Its independence was recognized, its equality with others declared. For the future, should peace prevail, the political development must relate mainly to commercial matters and boundaries, for the isola tion of America made war and alliances equally improbable. Only in two directions was the outlook clouded.

Congress had made the earnest recommendations as to Loyalists required by treaty, but they fell on deaf ears. The Tories received no restitution, not even courtesy. The Congress had kept the letter of the treaty, the Americans had failed in its spirit, and Great Britain on her side refused to surrender the western posts.

Great Britain had no posts in the South to retain, for West Florida remained Spanish; but complications loomed up in that direction also.

The early charters of Carolina carried her boundaries west from sea to sea, and, even when Georgia was carved out, it left North Carolina intact and a narrow strip of South Carolina bounded Georgia on the north. The other limit shifted according to peace or war with Florida, and even more than the Confederation did Georgia insist that the line of 31° recognized by England west of the Chattahoochee was the southern boundary. Strange it seems that a state which was in fact but a narrow settlement on ocean and river should insist on boundaries, adversely held by Indian, Frenchman and Spaniard, so vast as to be hardly what is called a sphere of influence. But his contest with Indian and Latin had been so keen as to make the early Georgian feel that the matter should be settled, and so un-

certain in result that the present opportunity must be embraced to settle it once for all.

Therefore Georgia not only claimed the western territory but sent out officers and colonists and in 1785 set up the first land offices at Natchez for her new county of Bourbon, and was almost as active in the Tennessee Valley also. She later went further and sold off these lands to companies by the million of acres. She defied Spain and ignored the Confederation.

There were western settlements besides those on the Mississippi, for Boone and others had conducted immigrants through the Cumberland Gap and down the Ohio into the territories ceded by Virginia to the Confederation in 1787 and into those adjacent which North Carolina claimed but did not cede. Soon embryo states grew up, not yet known as Kentucky and Tennessee. The Spanish governors realized that the Mississippi River must determine the allegiance of these people cut off by mountains from their old ties, and sought to attach them to Louisiana. Leading men like Wilkinson were granted trade and other favors, and it was doubtful whether within the nominal western boundaries of the Confederation there would not arise commonwealths under the protectorate of Spain. Problems enough were afforded in the South for diplomacy.

Americans had not devoted all their attention to securing independence and wide boundaries. The treaty of alliance with France had been accompanied by one of commerce; the first by the United States and marked by a liberality notable for that age of exclusiveness in politics, trade and colonies. Others soon followed with Holland and northern powers, but the treaty with England was purely political. The South was not especially concerned, either as to means or object, but heartily supported these

beginnings of an American policy of free intercourse, which was to accompany the American policy of free political institutions.

Even the questions of trade and boundaries, however, became less important than that of the internal growth or rather the cohesion of the country. The Confederation represented a feeling of fellowship rather than law, and practically there were thirteen sovereign states in America. The bond of union was slight and affected the states, not the citizens.

Each imposed such duties as it saw fit on imports from abroad or from the other states, and as a result foreign states complained and some ports suffered. The question of western lands created jealousies until the Virginia cession. Virginia, moreover, took the lead in calling a congress at Annapolis to devise improvement in commercial affairs and this led to a convention, which in 1787 formed the American Constitution. Concessions were necessarily made, and bitter discussions ensued, but the instrument was finally adopted by eleven of the states and went into effect.

The diplomatic efforts of the United States had been more dignified and successful during the Revolutionary War than during the peace which followed, because the war had created a government which peace was dissolving; but the time of feebleness passed with the adoption of the Constitution.

The period of uncertainty was over. A Federal republic had been called into being, competent to command order at home and respect abroad. The head of its diplomacy was the President, and that President was the man who had presided over the constitutional convention—George Washington, of Virginia. And the first questions to which he must address himself were those of the western posts in what had been Virginia territory, confiscation of the

Loyalist estates, particularly in the South, and the southwestern boundary with the Spaniards.

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CHAPTER IV.

THE SOUTH IN THE FRAMING OF THE CONSTITUTION.

AS no amendment to the effete Articles of Confederation could be devised that would receive the unanimous sanction of the states, the outlook seemed well-nigh hopeless. This situation continued until a series of apparently insignificant events happened in the South which unconsciously prepared the way for the formation of a more perfect Union. The story of this development is as follows:

Controversy Between Virginia and Maryland.

Virginia did not formally relinquish her claim to the territory granted to Lord Baltimore in 1632 until she formed her first state constitution in 1776. The language of the cession was so general that it

was construed into a relinquishment of all jurisdiction over the Potomac River. In 1784 Madison called Jefferson's attention to this important matter and to the evasions of Virginia laws which, as a consequence, had been practiced by foreign vessels loading at Alexandria. As Jefferson was then a member of Congress, Madison urged him to lay the matter before the Maryland delegates, suggesting that they might agree to the appointment of a joint commission from the two states to settle the question of jurisdiction, since they were doubtless in a liberal frame of mind because of Virginia's recent cession of Western lands. The suggestion met with a generous response from Maryland. Each state appointed three commissioners, who first met at Alexandria in March, 1785, and then on the invitation of Washington adjourned to Mount Vernon. The question of jurisdiction over the water boundaries was fully discussed and the conflicting claims promptly adjusted by the establishment of a concurrent jurisdiction over the Potomac and the Chesapeake.

In the course of their deliberations the attention of the commissioners was directed to certain other important matters which they had not been authorized to adjust. They, therefore, made a supplementary report, suggesting that their respective legislatures enact desirable laws which would give greater uniformity to commercial transactions between citizens of the two states. Among other things they directed attention to the need of legislation relative to the currency, to duties and to commercial matters in general. They suggested that two commissioners be appointed annually to report upon the details of a system for each ensuing year. It was also suggested that, as Pennsylvania was interested in the navigation of the Potomac, she

should be invited to coöperate in the plans that had been devised.

Annapolis Convention.

The report of the commissioners was first laid before the Maryland House of Delegates, which not only approved it, but went a step further by proposing that another commercial convention be held in which Pennsylvania and Delaware should be invited to participate. In the meantime Madison, who had served as one of Virginia's commissioners, was planning a more important measure, which was destined to place his state at the head of the movement toward a more perfect union. He drafted a resolution, which Mr. Tyler introduced into the House of Burgesses, calling for a convention of commissioners from all the states for the purpose of proposing an act which, after its adoption by the states, would enable Congress to provide effectually for their commercial interests. Under his skillful management the House of Burgesses was finally induced to extend an invitation to each of the other eleven states to join with Virginia and Maryland in the proposed convention "to consider how far a uniform system in their commercial relations may be necessary to their common interest and their permanent harmony." Seven commissioners were accordingly appointed to inform the other states of the action, to suggest a time and place of meeting, and to represent Virginia in the proposed convention.

At a meeting of the Virginia commissioners at Richmond, it was decided that Annapolis be proposed as the place and the eleventh day of September, 1786, as the time for the meeting of the convention. It is interesting to note the reason why Annapolis was chosen as the place of meeting. Madison says: "It was thought prudent to avoid the neighborhood of Congress and the large com-

mercial towns, in order to disarm the adversaries to the object of insinuations of influence from either of these quarters." The eight months which elapsed between the call for a convention and the time of its meeting were filled with anxiety for Madison. He wrote to Jefferson, then in France, that "considering that the states must first agree in a plan to be sent back to the states, and that these again must agree unanimously in a ratification of it, I almost despair of success. It is necessary, however, that something should be tried, and if this be not the best possible expedient, it is the best that could possibly be carried through the legislature here. And if the present crisis cannot effect unanimity, from what future concurrence of circumstances is it to be expected?" In another letter to Jefferson written a few weeks later, Madison said: "Many gentlemen, both within and without Congress, wish to make this meeting subservient to a plenipotentiary convention for amending the Confederation. Though my wishes are in favor of such an event, yet I despair so much of its accomplishment at the present crisis that I do not extend my views beyond a commercial reform. To speak the truth, I almost despair even of this."

When the appointed time came for the meeting of the convention, only five states were represented, as follows: Virginia, Pennsylvania, Delaware, New York and New Jersey. Four states, North Carolina, Massachusetts, New Hampshire and Rhode Island, had chosen delegates, but they failed to attend, and four other states, Maryland, Georgia, South Carolina and Connecticut, had failed to take action. Under the circumstances the delegates in attendance decided not to enter upon a consideration of the matters for which they had assembled, but wisely directed their attention toward a more im-

portant step. They unanimously adopted Alexander Hamilton's report, directing attention of the public to the critical state of affairs, which, it said, demanded "the united virtue and wisdom of all the members of the Confederacy." It proposed that a convention of all the states be held at Philadelphia beginning on the second Monday in May, 1787, and that it be authorized "to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the Constitution of the Federal government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled, as, when agreed to by them, and afterwards confirmed by the legislatures of every state, will effectually provide for the same." This was a step in the right direction. Trade conventions could, at best, deal only with symptoms; they could not remove the causes of the troubles which were afflicting the country. A constituent assembly alone was adequate to the task of remodeling the old Articles of Confederation and endowing Congress with the necessary powers.

Philadelphia Convention.

When the report was brought before Congress in October, 1786, it was opposed by Nathan Dane and Rufus King, of Massachusetts, who at first succeeded in preventing its adoption. But the defeat of the impost agreement by New York a few months later (Feb. 15, 1787) destroyed the last hope of Congress that the old method of amending the Articles of Confederation could be successfully invoked to give strength to the Union. Nothing was then left for it to do but to reconsider the action by which it had refused to accept the recommendations of the Annapolis convention.

In the meantime Madison had induced the Assembly of his state to adopt (Nov. 9, 1786) these recommendations unanimously, without waiting for the action of Congress. Delegates were chosen with Washington at their head and were instructed "to concur in such further suggestions and provisions as might be necessary to secure the great objects" for which the Federal government was established, "and to render the United States as happy in peace as they have been glorious in war." This bold step, taken by Virginia at a critical time in the history of the country, produced a sudden change in public sentiment. As soon as it was known that George Washington had been appointed one of the delegates to the proposed convention, new life was given to the plan. While Congress still held aloof, New Jersey, Pennsylvania, North Carolina and Delaware followed the example of Virginia. Fiske says: "All at once the people began everywhere to feel an interest in the proposed convention, and presently Massachusetts changed her attitude. Up to this time Massachusetts had been as obstinate in her assertion of local independence, and as unwilling to strengthen the hands of Congress as any of the thirteen states, except New York and Rhode Island." One of the Massachusetts delegates introduced anew the recommendations of the Annapolis convention which he had helped to defeat early in the session, and they were approved by Congress on Feb. 21, 1787. By this act the legislatures of the states were requested to choose delegates to meet in Philadelphia "for the sole and express purpose of revising the Articles of Confederation" with instructions to report their actions to Congress and to the several state legislatures for ratification. Seven other states then appointed delegates, the last being New Hampshire, which made the appointment in

June, 1787, after the convention had begun its work. Rhode Island alone refused to send delegates and was not, therefore, represented in the convention.

The sessions of the convention were held in the old state house at Philadelphia, which was already noted as the birthplace of the Declaration of Independence as well as the principal place of meeting of the Continental Congress during the long struggle for freedom.

As a majority of the states was not represented on the day appointed for the meeting (May 14, 1787), the delegates present adjourned from day to day until May 25. A permanent organization was then effected, George Washington being unanimously elected President upon the nomination of Robert Morris. The credentials of most of the delegates closely resembled those of Virginia, whose example the other states had followed in an effort to devise "such further provisions as may be necessary to render the Federal Constitution adequate to the exigencies of the Union." The twelve states represented chose seventy-three delegates, but eighteen of them did not attend. The active work of the convention continued from May 25 to September 17, during which time the sessions occupied about five hours daily.

When the convention was ready for business the doors were locked and strict secrecy was enjoined upon every delegate. But for the foresight of Madison there would have been only a fragmentary account of what was done and said in this great Assembly. With a view to furnishing future generations an authentic record of the proceedings, he says: "I chose a seat in front of the presiding member with the other members, on my right and left hand. In this favorable position for hearing all that passed, I noted in terms legible and in abbrevia-

tions and marks intelligible to myself what was read from the chair or spoken by the members." These daily notes were then written out in full immediately after each session. So conscientious was he in the discharge of this important task that he says: "I was not absent a single day, nor more than a casual fraction of an hour in any day so that I could not have lost a single speech, unless a very short one." This valuable service has caused the world to recognize Madison as the foremost historian of America's greatest convention.

The convention included among its delegates, with only a few exceptions, all the great men of the country "who enjoyed anything like a national reputation." These exceptions were Thomas Jefferson and John Adams, who were abroad on ministerial duties, and Samuel Adams, John Hancock, Patrick Henry and Richard Henry Lee, who had opposed the convention and therefore declined to serve as delegates. Madison wrote that "there never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives or more anxiously devoted to the objects submitted to them." The most celebrated Southern delegates were George Washington, the great defender of American liberty, who was soon to be known as the "Father of his country"; James Madison, the greatest American student of constitutional history of that day, who was destined to win the honored title of "Father of the Constitution"; Charles C. Pinckney, author of an important plan of government, which was to leave its impress indelibly stamped upon the new constitution; Edmund Randolph, the chosen champion of the Virginia plan, which was accepted as the basis of deliberation and thus became the foundation of the constitution; and George Mason,

whom "none surpassed in the gift of terse and masculine eloquence."

The spirit of the Southern leaders is shown by the wish expressed by Washington that the convention would "adopt no temporizing expedients, but probe the defects of the constitution to the bottom, and provide a radical cure, whether they are agreed to or not." He also wrote to Jefferson, May 30: "The situation of the General government, if it can be called a government, is shaken to its foundation and liable to be overturned by every blast. In a word, it is at an end, and unless a remedy is soon applied anarchy and confusion will inevitably ensue." On the following day George Mason wrote to his son: "America has certainly upon this occasion drawn forth her first characters. There are upon this convention many gentlemen of the most respectable abilities, and, so far as I can discover, of the purest intentions. The eyes of the United States are turned upon this assembly and their expectations raised to a very anxious degree. May God grant we may be able to gratify them by establishing a wise and just government. For my own part I never before felt myself in such a situation, and declare I would not, upon pecuniary motives, serve in this convention for a thousand pounds per day." Madison had not only made a careful study of the confederacies of ancient and modern times, but had prepared an elaborate criticism of the elements of weakness in the Articles of Confederation. A Georgia delegate declared of Madison that "in the management of every great question, he evidently took the lead in the convention. * * * From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed man of any point of debate."

The Virginia Plan.

The tardy arrival of other delegates in Philadelphia gave the Virginia representatives an opportunity for consultation. In order to meet the responsibilities imposed by the fact that their state had initiated the convention, the Virginia delegates spent several hours each day perfecting a plan of a constitution to be submitted as a basis for deliberation. Although Madison was the real author of the Virginia plan, it was so altered as to receive the unanimous support of the Virginia delegation and Governor Randolph was chosen to present it. This he did on the fifth day of the convention (May 29).

In his opening speech made upon submitting the Virginia plan, Randolph said, among other things: "The Confederation was made in the infancy of the science of constitutions, when the inefficiency of requisitions was unknown; when no commercial discord had arisen among states; when no rebellion like that in Massachusetts had broken out; when foreign debts were not urgent; when the havoc of paper money had not been foreseen; when treaties had not been violated, and when nothing better could have been conceded by states jealous of their sovereignty. But it offered no security against foreign invasion, for Congress could neither prevent nor conduct a war, nor punish infractions of treaties or of the law of nations, nor control particular states from provoking war. The Federal government has no constitutional power to check a quarrel between separate states; nor to suppress a rebellion in any one of them; nor to establish a productive impost; nor to counteract the commercial regulations of other nations; nor to defend itself against the encroachments of the states. From the manner in which it has been ratified in many of the states, it

cannot be claimed to be paramount to the state constitutions; so that there is a prospect of anarchy from the inherent laxity of the government. As the remedy, the government to be established must have for its basis the republican principle."

This product of Southern statesmanship, the Virginia plan, is worthy of special consideration, since, as Madison says, it "became the basis on which the proceedings of the convention commenced, and to the developments, variations and modifications of which the plan of government proposed by the convention may be traced." Unfortunately no copy of this important document in the writing of Randolph has been found, and the four existing texts show points of difference which render it difficult to determine exactly the form in which it was presented to the convention. Yet the principal features of the plan about which there can be no difference of opinion are the following: Representation in Congress should be based either on population or on the contributions made by the different states to the general expenses. The national legislature should consist of two houses, one "to be elected by the people of the several states," the other "by those of the first, out of a proper number of persons nominated by the individual legislatures," and "each branch ought to possess the right of originating acts." The legislature should have power to negative state laws contravening the articles of union and to coerce refractory states. The effete method of voting by states was to be discarded, the members of both houses of the national legislature were to vote as individuals, and a majority of votes in each was to be sufficient to pass all ordinary measures. The national executive should be chosen by the national legislature, "be ineligible for a second term" and be given "a general authority to execute the na-

tional laws." A council of revision consisting of the executive and judges should examine all laws, state and national, with a qualified veto power. The national judiciary should be "appointed by the national legislature to hold their offices during good behavior," with admiralty jurisdiction and with authority to try "cases in which foreigners or citizens of other states * * * may be interested." New states should be admitted into the Union and a republican government guaranteed to each state and provision made for amending the articles of union. Every state official should "be bound by oath to support the articles of union."

The Pinckney Plan.

Immediately after the fifteen articles embraced in the Virginia plan were submitted, Charles Pinckney, of South Carolina, the youngest delegate in the body, "laid before the House for their consideration a draft of a Federal government" which he had also prepared before the organization of the convention. Both of these plans were referred to a committee of the whole on the same day, but the former one, having been first introduced and having the unanimous approval of the Virginia delegation, seems to have been given the right of way. It certainly received more consideration on the floor of the convention. It is worthy of note that the so-called Pinckney plan which was published in the *Journal of the Constitutional Convention* in 1818 is not a copy of the original document, as is popularly believed. Unfortunately, there is no well-authenticated copy of the original Pinckney plan in existence. The only existing evidence of any debate on Pinckney's plan is the statement that the author "confessed that it was grounded on the same prin-

ciple as of the above resolution," referring to the Virginia plan.

Although no one can state positively the full extent of Pinckney's contribution to the constitution, it may be said with a reasonable degree of confidence that his plan contained the following features which found their way into that important document: He suggested the names "Senate" and "House" for the two branches of Congress, that representation in the House be based on the number of "Inhabitants $^{3}/_{5}$ of Blacks included" and the rotation of senators whereby the upper branch is a continuous body; that each member of both branches of Congress be given one vote and "be paid out of the common Treasury"; that each branch be given power to elect its own speaker and other officers and settle its own rules of procedure, and that neither of them should adjourn for more than —— days without the consent of both. He suggested the title "President" for the executive head of the nation, the executive duty of informing Congress "of the condition of the United States," recommending matters for their consideration, corresponding with state executives, commissioning all officers of the United States, serving as *ex officio* commander-in-chief of the army and admiral of the navy, calling special sessions of Congress when necessary, and the right of advising with the heads of departments "as his council." He suggested that Congress be given the exclusive power of raising armies, regulating the militia, equipping the navy, establishing post offices, regulating postage, coining money and fixing the standard of weights and measures, regulating trade and levying imposts, and defining treason; that the power of impeachment be vested in the House. This plan also provided for the establishment of a Federal judiciary, whose members

should be "appointed during good behavior." Provisions were to be made for the admission of new states, but no state was to be divided or to be enlarged without its consent. No new powers were to be granted to the United States without the "assent of a given number of the states." His plan provided for "extending the rights of the citizens of each state throughout the United States"; "the delivery of fugitives from justice" upon demand from the executive of a state, and "the giving full faith and credit to the records and proceedings of each" state. States were to be denied the right to make treaties, "lay interfering duties," "keep a naval or land force, militia excepted," and each state was to retain "its rights not expressly delegated." He suggested that "territorial controversies between different states * * * may, with propriety, be left to the supreme judicial." His plan probably contained also a clause giving validity to the new constitution upon the assent of nine states.

The New Jersey and Hamilton Plans.

By June 13 the committee of the whole had finished its consideration of the Virginia plan and was ready to report. At this point there came a sudden halt in the proceedings. Paterson, of New Jersey, as spokesman of the small-states party, asked for time to prepare another plan "purely Federal and contradistinguished from the reported plan." On June 15 he laid before the convention the New Jersey plan, which he had prepared in consultation with a number of delegates who insisted upon amending the old Articles of Confederation. This plan and the report based on the Virginia plan were then taken up in a committee of the whole. It is a significant fact that every Southern delegate, except Luther Martin, of Maryland, opposed the New Jer-

sey plan and thus practically saved the Union from the adoption of a "half-way measure" which, at best, could have been only a temporary expedient. The delegates, by an overwhelming majority, then decided (June 19) to resume consideration of their former report based on the Virginia plan.

The Hamilton plan, read June 18, which would have practically destroyed state sovereignty, was read, but not formally submitted for consideration, as the author knew that it would meet with little favor. In discussing this important point Madison said that he "would preserve the state rights as carefully as the trial by jury." George Mason declared that "notwithstanding his solicitude to establish a national government, he never would agree to abolish the state governments, or render them absolutely insignificant. They were as necessary as the general government and he would be equally careful to preserve them. He was aware of the difficulty of drawing the line between them, but hoped that it was not insurmountable."

Committee of Detail.

On July 24 the resolutions which had been passed up to that time, nineteen in number, with the Pinckney and the New Jersey plans, were referred to a committee of detail, consisting of five delegates. Recent investigations by Prof. J. Franklin Jameson prove conclusively that "the reference of the New Jersey and Pinckney plans to the committee of detail was not, as has generally been assumed, a mere smothering of them." Unquestionably this committee made liberal use of them, as is shown by its report. In this way the young Southern delegate, whose plan received little attention as such on the floor of the House and is therefore barely referred to in the proceedings of the convention and

in Madison's notes, contributed a number of original and important features to the new constitution.

The committee of detail reported on August 6 the first draft of a constitution containing a number of features which had not been discussed in the House, and which can be traced to the Pinckney and New Jersey plans. This report in turn became the basis for discussion.

Great Compromises.

In the meantime the convention had continued the arduous task of reconciling the numerous conflicting views and interests represented by the different delegates. This trying ordeal continued as long as the convention lasted, but progress was slowly made by a series of compromises, all of which seemed to please no single member of the body.

The subject of the ratio of representation in Congress brought up a stubborn contest between the large and the small states, which almost broke up the convention. Anticipating such a conflict, the Pennsylvania delegates had proposed to those from Virginia that the large states should unite at the beginning of the convention in refusing an equal vote to the small states in their proceedings "as unreasonable, and as enabling the small states to negative every good system of government." In declining to enter into such an agreement, the Virginia delegates expressed a hope that in the course of the debates the small states might be prevailed upon "to yield their equality." This jealousy seems to have been the principal cause of the introduction of the New Jersey plan. Charles C. Pinckney said: "The whole comes to this: Give New Jersey an equal vote, and she will dismiss her scruples and concur in the National system."

Accepting one of the two alternatives suggested by the Virginia plan, the convention voted (June 13)

that the ratio of representation in both branches should be based on population. Then came the suggestion contained in the New Jersey plan (June 15) that Congress should consist of one house in which equal representation of the states should continue as under the old Articles of Confederation. The debate on this proposition was acrimonious, the most important speech in opposition to the old plan being delivered by Randolph, June 17. "The convention," said Martin, "was on the verge of dissolution scarce held together by the strength of a hair." At this point Ellsworth and Sherman brought forward what is popularly known as the Connecticut Compromise. It combined the principle of equal representation in the upper and proportional representation in the lower house of Congress, and was passed by a bare majority. In the midst of the discussion George Mason said "he would bury his bones in that city [Philadelphia] rather than expose his country to the consequences of a dissolution of the convention."

While this compromise provided for state representation in the upper house of Congress, Virginia has the honor of successfully leading the movement for what is now known as the lower house of Congress, which was intended by the framers of the constitution to be the only real democratic feature of the general government—that is, the only part of three coördinate departments that was to be under the direct control of the people. Fiske correctly observes that "The Connecticut Compromise was really a decisive victory for Madison and his party * * * for by securing a lower house, which represented the American people and not the American states, they won the whole battle in so far as the question of radically reforming the government was concerned."

The second great compromise settled the ratio for the representation of slaves and for direct taxation by the general government. This was the first important sectional controversy that arose in the convention. Of course, the Southern delegates took an active part in the discussion of this important subject. It seems that the first suggestion of the three-fifths ratio for the representation of slaves was made by the Pinckney plan, though its author doubtless got the idea from a resolution of Congress passed April 18, 1783. Pinckney changed his position, however, when this subject came up for discussion. In the midst of the prolonged debate the South Carolina delegates insisted upon the full representation of slaves. The delegates from Georgia and Delaware supported the contention when the vote was taken. The Northern delegates were for the most part opposed to the proposition, and the discussion continued day after day. One of the delegates asked why slaves should be represented in the general government when they were "not represented in the state to which they belonged." Morris, of Massachusetts, insisted upon considering property as well as population in the apportionment of representatives. His view was at one time adopted, but was later disregarded when a compromise was effected. A motion by Williamson, of North Carolina, that three votes be counted for every five slaves was at first defeated. A motion by Gouverneur Morris "that taxation shall be in proportion to representation" was then debated and adopted with an alteration that restricted its scope to direct taxation only. In discussing this subject Madison made an elaborate speech in which he declared that the great division of interests in the country was not between the large and small states, but between the Northern and Southern states, that

is, between those having and those not having slaves. "In this," says Frothingham, "he probed the cause of the passion that mingled in the debates." Even Washington said, in a letter to Hamilton, that he almost despaired of "seeing a favorable issue to the proceedings, and therefore repented of having had any agency in the business," and Paterson suggested that the convention adjourn *sine die*. It was finally agreed that the proposed ratio of three-fifths should be accepted for representation of slaves in the lower house of Congress and for direct taxation by the Federal government.

The third great compromise related to the foreign slave trade. On August 22 Mason, who was himself a slaveholder, uttered a scathing denunciation of the "infernal traffic" to which he was unalterably opposed, and he lamented that some of his "Eastern brethren had, from a lust of gain, embarked in this nefarious traffic." Two days later a committee of eleven made a report through Livingston, of New Jersey, in favor of limiting the slave trade to the year 1800. General Pinckney, of South Carolina, moved to amend by extending it to 1808. This motion was seconded by Ghorum, of Massachusetts. In discussing this amendment, Madison said: "Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the national character than to say nothing about it in the constitution." New Hampshire, Massachusetts, Connecticut, Maryland, South Carolina, North Carolina and Georgia voted for the amendment, and New Jersey, Pennsylvania, Delaware and Virginia against it.

During the period of almost four months in which the convention was engaged upon its important and delicate duties, many minor antagonisms developed

and, as a consequence, many other compromises were effected besides the three here given. In fact, as has been well said, the constitution is the result of a series of compromises. The following subjects brought on spirited debates: The terms and conditions on which new states were to be admitted, the mode of electing a president and the extent of his power, and the composition and jurisdiction of the Federal judiciary. As these phases of the proceedings did not assume a sectional aspect, they will not be treated in this connection.

Completion of the Work.

The resolutions adopted prior to September 8 were on that day referred to a committee "to revise the stile of and arrange the articles which had been agreed to by the House." Five days later this committee reported the final draft of the new constitution which was engrossed and signed by thirty-nine of the delegates on Sept. 17, 1787. As Martin had left the convention in disgust when it was completing its work, his name will not be found in the list of signers. Mason had expressed (September 15) "his discontent at the power given to Congress by a bare majority to pass navigation acts which, he said, would * * * enable a few rich merchants in Philadelphia, New York and Boston to monopolize the staples of the Southern states and reduce their value perhaps 50 per cent." Upon the defeat of his motion requiring, until 1808, a two-thirds vote of each branch of Congress to pass a navigation act, he refused to sign the constitution. Randolph expressed apprehension from "the indefinite and dangerous power given by the constitution to Congress," and upon the defeat of his motion providing that "amendments to the plan might be offered by the state conventions, which

should be submitted to and finally decided on by another general convention," he likewise refused to sign the document. He qualified his opposition, however, by reserving the privilege of favoring or opposing the constitution when it should be referred to the people of his state for ratification. Gerry was constrained to a similar course because of eight objections to the constitution which he presented in succinct form. Twelve other absent delegates besides Martin also failed to affix their signatures to the new constitution.

After depositing the *Journal* and other papers in the hands of Washington "subject to the order of Congress, if ever formed under the constitution," the convention adjourned *sine die.*

Preparations for Ratification.

According to an agreement reached in the convention, Washington transmitted the new constitution to Congress, then sitting in New York, in order that it might receive the sanction of that body and be referred by it to the states for ratification by special conventions. His letter accompanying the document recited in concise terms the need of a general government and the difficulties which had confronted the convention in its work. Among other things he said: "In all our deliberations, we kept steadily in view that which appears the greatest interest of every true American—the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence."

Madison, who was a member of Congress, immediately followed the document into that body, defending it against the opposition of its enemies, who claimed that in the formation of a new system of government, which set aside the old Articles of Confederation, the delegates had exceeded the object

expressed in the call of the Congress for a new convention. Some members of Congress opposed referring the new constitution to the states; others contended that, if referred, certain amendments ought to be added by Congress. As a result largely of Madison's efforts, Congress, after eight days' discussion, finally (September 28) ordered by unanimous vote that the constitution with Washington's letter "should be transmitted to the several legislatures in order to be submitted to a convention of delegates chosen in each state by the people thereof, in conformity to the resolves of the Convention."

The valuable commentary on the constitution which Madison, in conjunction with Hamilton and Jay, published during the period of state adoption has been a precious heritage to posterity. It contains, to use the words of Washington, a candid discussion of "the principles of freedom and the topics of government which will always be interesting to mankind so long as they shall be connected with civil society." These great campaign documents, eighty-five in number, were afterward collected and published in book form under the title *The Federalist*, which is to this day an important textbook for students of our constitutional history. As has been said, it accomplished more, perhaps, "than any other single agency toward insuring the popular ratification of the constitution." Thus Madison, whom Bancroft characterizes as "the chief author of the constitution" and whom every student recognizes as the great historian of the convention, formed with Hamilton and Jay "the great triumvirate" which prepared the states for ratifying the document.

Ratification by the Southern States.

In authorizing the election of delegates to special conventions for considering the constitution, the

state legislatures followed the example of Congress by referring the document without any expression of opinion.

Georgia was the first of the Southern states to ratify. This was done by a unanimous vote on Jan. 2, 1788.

Randolph had written to Madison that Baltimore resounded "with friendship for the new constitution," but when the Maryland convention met there was a stubborn contest over ratification. This was due to the strong opposition of Luther Martin, who had refused to remain in the Philadelphia convention until it had finished its work. Largely through the influence of Washington, however, Maryland ratified the constitution April 28, 1788, by a vote of 63 to 11.

South Carolina was, in order of time, the third Southern state and the eighth in all to ratify the constitution. When the document was presented to the legislature of that state in January, 1788, it was severely criticized by some of the members who complained that the Philadelphia convention had exceeded their power by casting aside the Articles of Confederation instead of amending them. Charles Pinckney replied that they had attempted to establish "a firm national government." It was finally decided to authorize a state convention to pass on the document. When this body met there was formidable opposition to ratification, but it was overcome by the Pinckneys, Rutledges and others, and after a session of eleven days the constitution was ratified (May 23, 1788) by a vote of 149 to 73. Coupled with this action, the convention adopted four resolutions suggesting alterations in the constitution which, in a fifth resolution, they instructed their delegates, who would be chosen to represent

them in Congress, "to exert their utmost abilities and influence to effect."

The Virginia convention met on June 2, 1788. The limits of this narrative prevent a detailed treatment of the prolonged and vehement struggle which began with the organization of this convention and continued until June 25. In this contest the first intellects of the state were arrayed against each other. Although Washington, on his return from Philadelphia, had attempted to induce Patrick Henry to support the document, Henry replied that he could not bring "his mind to accord with the proposed constitution." When the contest came in the Virginia convention, Henry, Mason, Grayson and Monroe led the opposition to the constitution. Washington and Richard Henry Lee were not members of the body, but each exerted his influence upon the proceedings, the former in favor of and the latter in opposition to adoption. Randolph, having decided to support the constitution, allied himself with Marshall, Pendleton, Innes, Corbin, Nicholas and "Light Horse" Harry Lee, and they, under the leadership of Madison, helped to meet the spirited attacks of the opposition.

The contest began with an impassioned declaration by Henry that they should investigate the conduct of the delegates who had helped to form the constitution, "even from that illustrious man who saved us by his valor." "What right," he continued, "had they to say, *We, the people?* * * * Who authorized them to speak the language of *We, the people,* instead of *We, the states?*" He said of the constitution that he "saw poison under its wings"; that it "squinted toward monarchy"; that it established a consolidated government; and that it surrendered the rights of the states. In a sharp encounter with Randolph, Henry exclaimed: "If

our friendship must fall, let it fall like Lucifer, never to rise again!" As the debates continued Henry attacked many features of the new document. In one of his eloquent periods he exclaimed: "I will never give up that darling word, requisitions; my country may give it up; a majority may wrest it from me, but I will never give it up till my grave." Mason declared that "the assumption of this power of laying direct taxes does, of itself, entirely change the confederation of the states into one consolidated government." He also attacked the powers which the new constitution granted to the President, to Congress and to the Federal judiciary. In referring to the authority of Congress to select a Federal district for a national capital, he said: "This ten miles square may set at defiance the laws of the surrounding states, and may, like the custom of the superstitious days of our ancestors, become the sanctuary of the blackest crimes." Referring to the compromise on the slave trade, he said: "As much as I value a union of all the states, I would not admit the Southern states into the Union unless they agree to the discontinuance of this disgraceful trade." A personal collision between him and Madison was narrowly averted.

The champions of the constitution, resorting to an effective and timely suggestion which Washington had made to the Massachusetts convention, urged that "a constitutional door" was open for amendments after the adoption of the constitution by the states. With this understanding the Virginia convention finally ratified the constitution on June 20, 1788, by a vote of 89 to 79. At the same time it adopted a resolution which expressly declared that "the powers granted under the constitution being derived from the People of the United States, may be resumed by them whenever the same may be

THE FIRST CABINET.

perverted to their injury or oppression; and that every power not granted thereby remains with them and at their will." They also adopted twenty articles constituting a Bill of Rights and twenty other amendments which were engrossed and transmitted to Congress, with a solemn appeal to the Searcher of hearts for the purity of their intentions and a statement that their action had been taken "under the conviction that whatsoever imperfections may exist in the constitution ought rather to be examined in the mode prescribed therein than to bring the Union into danger by a delay with a hope of obtaining amendments previous to the ratification."

One of the reasons for Southern opposition to the constitution was the indifference which the Northern states had shown two years before to the commercial interests of the South, by supporting Jay's recommendation to Congress that the right to navigate the lower Mississippi be surrendered for twenty-five years. Fiske calls attention to the fact that "this narrow and selfish policy naturally created alarm in Virginia, which, in her district of Kentucky, touched upon the great river. Thus to the vague dread of the Southern states in general in the event of New England's controlling the commercial policy of the government, there was added in Virginia's case a specific fear."

This cause of apprehension and the objections of "the paper-money party" well-nigh defeated ratification in North Carolina. The convention of that state met July 21, 1788, and, after a stormy debate on the document, clause by clause, adjourned without ratifying. It adopted, however, a Declaration of Rights containing twenty-six articles which it declared "ought to be laid before Congress and the convention of the states that shall or may be called for the purpose of amending the said constitution,

for their consideration, previous to the ratification of the constitution aforesaid, on the part of the state of North Carolina." The final act of ratification by that state was passed on Nov. 21, 1789, several months after the new government had been in operation. With the exception of Rhode Island, North Carolina was the last state to come into the new Union.

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PART III.

THE SOUTH IN INTERSTATE AND INTERSECTIONAL RELATIONS.

Chapter I.

INTERSTATE CONTROVERSIES.

EVERY observer of the South has been impressed by two traits of its people: one, a unity of sentiment regarding political and social questions; the other, a kind of inter-state sectionalism, hard to define. Its characteristics are state individualism, a local pride that brooks no criticism, and a rivalry and jealousy among neighbors comparable only to that of frontier communities and belligerent powers. For the first of these, slavery with its political and social incidents, is clearly responsible; but the causes of the second are more complex. For its explanation political theories which exalted the state rather than the nation are not alone sufficient; but racial influence, economic policies, social antipathies born of isolation, prejudices of the frontier against older communities, and a diversity of interests in the institution of slavery, must be taken into consideration. It is not the purpose of this chapter to discuss all or any of these fundamental conditions, but to trace a number of controversies between the neighboring states since the adoption of the Federal constitution that have been the offspring and also a con-

tributing factor to this inter-state sectionalism. Some of them have their origin in the Seventeenth century, while others arose toward the close of the Nineteenth, conclusive evidence that two centuries of development have not obliterated the controversial spirit so strong in the past.

The Virginia and Maryland Controversy.

By far the largest number of inter-state controversies have arisen over boundaries. Of these the oldest, and also the latest to be settled, is that of Virginia and Maryland. Its origin is found in the colonial charters. According to the charter of Maryland the line separating that province from Virginia was to extend from "the first fountain of the Potomac" down its southern bank, thence across the Chesapeake Bay and peninsula through Watkins Point to the ocean. This is one of the few instances in history in which the bank of a river rather than the channel has been made the boundary; moreover the first fountain of the Potomac was indefinite, since it might refer either to the northern or to the southern branch of the river; also the exact location of Watkins Point, whether on the northern or the southern part of the little peninsula of that name, and the line extending through it to the Atlantic, had to be determined. These obscurities of the charter, as well as the question of commercial rights on the Potomac, were a source of controversy during the colonial period and the subject of legislation and litigation from the close of the Revolution between Maryland and Virginia, and, since the war between the states, they have been the source of contention between Maryland and West Virginia.

In the light of national interests the commercial phases of the controversy are most important. By designating the bank of the Potomac as the boun-

dary, the Maryland charter included the waters of the river in the domain of the colony. But Virginia controlled the lower Chesapeake, the only outlet to the ocean. Coöperation was necessary, and in 1785, at Mount Vernon, a commercial treaty was agreed upon that gave the citizens of both states equal rights to navigation and the fisheries.

While this treaty seemed to forecast a union of the states, a more practical step toward that end was Maryland's relation to the cession of western lands. After the Revolution, Virginia, the Carolinas, Georgia, Connecticut, Massachusetts, and New York, by virtue of their charters, laid claim to the country between the Alleghany mountains and the Mississippi River and proposed to pension their soldiers by grants of land in that region. On the other hand Maryland's charter, by limiting the western boundary, prevented that state from laying claims to any western lands. She therefore protested against this inequality of economic resources and refused to ratify the articles of confederation. But when Congress suggested that all claims to western lands should be transferred to the United States, thus strengthening the central government, and New York with Virginia led the way, Maryland, relying on the good sense of the other states, entered the Confederation.

Soon the westward movement of population raised the question of the ownership of land between the two branches of the Potomac, Virginia claiming the northern branch to be the boundary line, Maryland contending that the southern branch constituted the "first fountain of the Potomac" indicated in the Maryland charter. In 1795, a series of negotiations was begun by the appointment of a joint commission from the two states to adjust the conflicting claims. Among its members were Thomas Jefferson,

John Marshall, Bushrod Washington, and John Taylor for Virginia; but because two of the Maryland commissioners refused to serve and one left the state, nothing was accomplished. After other attempts at adjustment, equally futile, the General Assembly of Maryland, in 1818, acting on the theory that the northern branch extended further west than the southern, designated it as the boundary in a law providing for a boundary commission. Although Virginia's claim was thus conceded, no reciprocal commission was appointed until 1822, no conference was held until 1824, and then the instructions of both states were found to be too restricted for definite agreement.

Maryland then resorted to a new method of adjustment; resolutions were adopted by the Assembly that in case the controversy could not be settled by a commission, the governor of Delaware should be called in as arbitrator "with full powers to settle, and adjust the several matters in the controversy." Neither to this proposal, nor a similar one of 1832, did Virginia make any reply. Indeed, in 1833, Virginia appointed a commission to run the line from the Fairfax stone, a point on the northern branch of the Potomac, established in 1746, without mention of Maryland's claims or suggestions of arbitration. This was apparently a gross insult. In retaliation, the attorney-general of Maryland prepared to bring suit against Virginia in the Supreme Court of the United States; but the next year, when a special committee from Virginia showed that the aim of the Virginia commission had been to accept the overtures of Maryland, the suit was withdrawn.

This strain on amicable relations was followed by a period of reaction. For almost a score of years the boundary question was allowed to rest, although the settlement of the territory in dispute was carried

on by settlers from both states, and ejectment suits were common. Then, in 1852, Maryland resumed the agitation for a definite western boundary, and conceded Virginia's claim for the northern branch of the Potomac and the Fairfax stone as the starting point of the line. In 1854 Virginia accepted this liberal concession and appointed a commission. Its work was interrupted by the war, and the new state of West Virginia, the creation of that conflict, became the heir to Virginia's claims. In 1908 a suit between the states of West Virginia and Maryland for adjustment of boundaries was pending in the Supreme Court of the United States.

The location of the eastern part of the Maryland-Virginia line was also a cause of friction. In 1668 the line from Watkins Point eastward was begun but never finished, and the line from Watkins Point westward across the bay to the Potomac, involving lighthouse, buoys, breakwaters, and fisheries, was not touched, until the compact of 1785 above mentioned. By that agreement, Smith's Point at the mouth of the Potomac, rather than Cinguack of the Maryland charter, further south, was made the western end of the line dividing the bay; but doubt of the correctness of the change in the line was expressed in the compact, and Virginians had settled on Smith Island north of the line. This agreement, however, remained in force until a few years before the War of Secession when rights to oyster beds, worth millions of dollars, reopened the controversy. In 1858 both states appointed commissioners to survey the entire line from Watkins Point to the Atlantic. The portion between the Pocomoke River and the Atlantic was run, but the exact location of Watkins Point was too difficult a problem. Maryland accepted, but Virginia rejected, the report of the commission. In 1867, the question was again

opened, Virginia insisting that the line across the bay should include the Virginia settlements on Smith Island and extend through the northern portions of Watkins Point, while Maryland claimed that the line should touch the southern portion of Watkins and so make all of Smith Island Maryland territory. In 1874, after fruitless negotiations, the whole question of the eastern boundary and the riparian rights involved were submitted to arbitration. A court consisting of Jeremiah Black, of Pennsylvania, and William A. Graham, of North Carolina, was appointed; these chose Charles A. Jenkins, of Georgia, a third member. On the death of Mr. Graham, James B. Beck, of Kentucky, became his successor in 1876. In 1877, after having heard all claims and examined all records, the commission made the following decisions:

1. Maryland's right to the Potomac and its southern bank were confirmed.

2. Virginia's claim to a part of Smith Island was also granted.

3. Rights to Tangier and Pocomoke sounds were divided, Virginia receiving more than Maryland.

4. The southernmost part of Watkins Point was designated as the boundary and the Pocomoke River was divided between the states up to the old Calvert-Scarborough line, run in 1668.

These decisions were accepted by the states concerned, were ratified by Congress, and a survey in keeping with them was duly made.

Virginia and Tennessee.

Virginia's southern boundary was also the subject of controversy, hardly less long standing than that with Maryland. This dispute was of colonial origin, a heritage of the long negotiations with North Carolina, immortalized in Col. William Byrd's *History*

of the Dividing Line. At the opening of the Revolution, the boundary between the two colonies had reached Steep Rock Creek about 320 miles from the Atlantic. In 1778, Virginia and North Carolina appointed commissioners to extend the line to the Tennessee River. After the work was under way a difference of opinion arose among the surveyors. The North Carolina officers declared that the line was too far south and began a new survey two miles further north, which they ran as far as the Cumberland Mountains. This was called the Henderson line. The Virginia commissioners continued the line, already begun, as far as the Tennessee River. It was known as the Walker line. In 1790 North Carolina ceded to Congress her western territory from which the territory of Tennessee was formed. In 1791, the Virginia Assembly, to preserve as much land for the state as was possible, approved the Walker line. But the people living between the Walker and Henderson lines would not recognize the authority of either Tennessee or Virginia. In the interest of peace and order some agreement as to boundary was necessary. In 1800 Virginia resolved to refer the adjustment of the line to a joint commission with power to accept either of the old lines or to establish a new one.

In 1801 Tennessee accepted the proposal; and by 1803 the joint commission had done its work and made its report, which rejected the existing lines and recommended a new one half way between them, running from White Top mountain, the northeast corner of Tennessee, to Cumberland mountain, the southwest corner of Virginia. This report was ratified by the legislature of both states. In 1856 the line was re-marked by a joint commission whose work was accepted by Tennessee and rejected by Virginia. The war arrested the controversy, but,

in 1892, the state of Virginia brought suit against the state of Tennessee in the Supreme Court of the United States, asking that the boundary agreement of 1803 be declared null and void as a compact between states without the consent of Congress, and that a new line more near latitude 36° 30′, the northern boundary of North Carolina, be established by order of the court. The decision was against Virginia, the court holding that the consent of Congress was implied by exercising jurisdiction over both states after the line of 1803 had been accepted by them. However, in 1893 Virginia sought to introduce new evidence; the motion was rejected, as was a petition made in 1895 to re-mark the existing line. But, in 1900, a petition of both states to appoint a commission to re-mark the boundary was granted, and the commission appointed made its report in 1903. An interesting feature of the work was the cession of the north side of Main street, Bristol, Tenn., to Virginia by the Tennessee legislature, in order to facilitate the survey.

Tennessee and Kentucky.

The continuation of the Virginia-Tennessee line westward became a source of controversy between Tennessee and Kentucky. Should the boundary between these states be the Walker line or a new line more exactly 36° 30′, the boundary of North Carolina and Virginia as fixed by the Carolina charter of 1665? Kentucky made futile efforts at adjustment of the question before 1818. Then the Jackson purchase, by which the Chickasaw lands west of the Tennessee River were added to Kentucky, those south, to Tennessee, made the boundary a real issue. The following year the Kentucky legislature appointed a commission to extend westward the Walker line. Tennessee appointed a similar commission. It

was found that the Walker line had fallen north of 36° 30′ at the Cumberland River as far as sixteen miles, thus giving Tennessee 2,500 square miles, but on account of the good feeling between the states, and the confusion in regard to land titles that a revision of the lines would produce, Kentucky did not demand a re-survey; however, west of the Tennessee where no boundary had been run, a line more in keeping with 36° 30′ was established, and this accounts for the broken border line between the two states.

Virginia and West Virginia.

Two controversies, which have had a large place in inter-state relations, are suits by Virginia against the state of West Virginia, involving a demand for territory and for financial reimbursement. Both have found a final decision in the Supreme Court of the United States. The litigation for territory was an outgrowth of the method by which certain counties became members of the state of West Virginia. When that commonwealth was organized, the counties of Berkeley, Frederick and Jefferson were in possession of federal troops. But the ordinance of the Restored Government of Virginia, which provided for the new state of West Virginia, stated that its boundaries might be changed by admitting other counties whenever they should express their desire to join West Virginia, and specified that the counties of Berkeley and Jefferson might join the new state; and the constitution of West Virginia also declared that the counties of Jefferson, Frederick and Berkeley might be added to the state in the future. In May, 1862, the Restored Government of Virginia gave permission for these counties to join West Virginia whenever their voters should ratify the constitution of that state; the following January an election was held in Jefferson and Fred-

erick and these two counties duly passed under the jurisdiction of West Virginia. After the collapse of the Confederacy, the Restored Government of Virginia became the nucleus of reconstruction in Virginia. To the legislature a large number of representatives were elected who had lived under the Confederate government of Virginia. In 1865 these men enacted a law repealing the act of 1862, giving consent to the addition of the three counties to West Virginia, and the following March Congress confirmed the annexation of the counties of Jefferson and Berkeley to West Virginia.

The state of Virginia and the National government were thus at cross purposes. As a means of settling the question at issue, a suit was brought by the state of Virginia against the state of West Virginia in the Supreme Court of the United States. The plea for Virginia involved four points: that the issue between the states was political and, therefore, according to the ruling in Georgia *vs.* Stanton the court could not interfere; that West Virginia and the Restored State of Virginia had violated the compact clause of the constitution in not providing for the annexation of the counties in the enabling act of West Virginia; that the elections in the counties were not fairly held; and that Virginia had withdrawn her consent to the admission of the counties before Congress recognized their separation from the mother state. The court, however, in a decision handed down in 1870, held that its jurisdiction over boundaries was not impaired by political questions, that Congress, by accepting the constitution of West Virginia which provided for additional counties, approved all its clauses and thus indirectly gave consent to the annexation of the counties, and that the court could not go behind the election returns when no specific case of fraudulent voting was cited.

The apportionment of liability for the state debt before 1881 was also a cause of litigation between these states. In 1861 this amounted to $33,000,000, most of which had been incurred by the state's investment in internal improvements; and some of the public works, notably railways, had reached the western counties before 1861, others after that year. Moreover, the state of West Virginia at the time of its formation received property worth several millions of dollars for which no returns were made to Virginia. Although provision was made in the constitution of West Virginia for the assumption of a proportionate share of the obligations of Virginia, no settlement was made, and in 1871 Virginia, estimating its own share at two-thirds, issued bonds for that amount of the debt, two-thirds of the interest, and two-thirds of the interest on the accrued interest. This burden proved too heavy and at last, in 1892, a new and final adjustment of Virginia's share of the public debt of 1861 was made. Efforts were then put forth to have West Virginia assume a just proportion, Virginia appointing a commission to open negotiations to that effect in 1894. West Virginia failed to take any action, and, as a last resort, the state of Virginia in 1900 appointed a commission with power to bring suit, if necessary, in the Supreme Court of the United States. In 1906, the state of Virginia appeared before the court. West Virginia filed a demurrer, which was overruled, and in 1907 the court appointed a master in equity to apportion West Virginia's share of the Virginia public debt in 1861.

Georgia and North Carolina.

Among boundary lines further south, the line of 35° has been a most fruitful source of dispute, having been the subject of three inter-state controversies.

First of these was that between Georgia and North Carolina.

In 1787 South Carolina ceded to the United States all land as far as the Mississippi, between the Tugaloo River and the North Carolina boundary. This was a strip about twelve miles wide and 200 miles long. In 1802 the United States gave to Georgia that part of the territory now in the state of Georgia in partial payment for western land claims and the line of 35° was recognized as the northern boundary of the cession. The county of Walton was organized in the newly acquired district, but the line dividing it from North Carolina had never been scientifically established; consequently, North Carolina and Georgia issued conflicting land grants which intensified the disorder and violence common to a border region. In 1806 Georgia appealed to Congress for an adjustment of the line by Federal power. The North Carolina representatives resented this appeal to outside authority and no action was taken. The next year both states agreed to make a survey and a joint boundary commission was appointed. The scientists employed were Dr. Joseph Caldwell for North Carolina and Joseph Meigs for Georgia. Beginning at a point on the supposed line of 35° they found that it was really 35° 22′ 32″ or 22 miles within North Carolina territory. After making unsatisfactory observations at another point, the commission repaired to Cæsar's Head on the Blue Ridge and made three observations, the last of which showed a difference among the officials of less than 2′. The commissioners were satisfied with the results, agreeing that Georgia should relinquish all claims northwest of the Blue Ridge and south of the Indian lands. Their report was ratified by North Carolina, but Georgia rejected it and again appealed to Congress. An examination of the entire proceed-

ings was then made by a congressional committee; the trend of opinion was so much in favor of North Carolina that no action was taken, and Georgia quietly allowed her discontent to rest.

Georgia and Tennessee.

In 1817 Tennessee and Georgia appointed a joint commission for establishing the line of 35° along their border. In 1819 the commission made its report, which was accepted by both states. A few years later James Camak, of Georgia, made an independent survey and reported that the existing line was 37 chains south of the real 35° line. However, there was no evidence of discontent until 1861, when the code of Georgia named the line of 35° rather than the description of the survey of 1818 as the northern boundary of the state. The war arrested whatever controversy may have been imminent. In 1887 the Georgia legislature expressed doubts concerning the true line between Dade county, Georgia, and Marion and Hamilton counties, Tennessee, and authorized the governor to appoint a commission to make an adjustment with Tennessee. In 1889 Tennessee appointed a similar commission but no report was ever made. In 1893 Georgia again appointed a boundary commission without result, and a tradition still exists in that state that much of its territory is wrongfully under the jurisdiction of Tennessee.

Mississippi and Tennessee.

In 1819 the lines of 35° was run from Alabama to the Mississippi River, the survey being known as the Winchester line. Ten years later its correctness was questioned. There was then some prospect of a navigable channel of the Mississippi from Chickasaw Bluffs to the Upper Yazoo River, and many Mississippians believed that the existing northern

boundary line was too far south, that a correct survey would show that the country now included in Memphis, Tennessee, and its vicinity should be in Mississippi. A commission was appointed to verify the existing line but its report, made in 1831, showed that the line was really too far north while about the same time a Tennessee surveyor ran an entirely new line in keeping with the new correction. In 1837 a joint commission of the two states made a true line, so far south of the Winchester survey as to give Tennessee nearly 200 square miles, and this survey is the present boundary between the states.

Florida and Georgia.

The acquisition of Florida from Spain in 1819 gave rise to two controversies. First of these was that regarding the boundary between Florida and Georgia. The line as first described in the cession of East Florida to England in 1763 extended from the junction of the Chattahoochee and Flint rivers to the source of the St. Mary's, thence along that stream to the Atlantic. In 1795 this line was confirmed by a treaty between the United States and Spain, East Florida having been ceded to Spain in 1783. A few years later, in 1798, the survey of the entire line separating the United States and Spanish territory from the Mississippi to the Atlantic was undertaken by Andrew Ellicott for the United States, Sir William Dunbar and Stephen Minor for Spain. The hostility of the Creek Indians prevented them from running the line further east than the junction of the Chattahoochee and the Flint, but they marked the next point in the line, the source of the St. Mary's, near Okefenoke swamp, building there a monument that came to be known as Ellicott's mound. No further survey was undertaken until 1802, when the cession to Georgia of all the public land south

of the Tennessee and Carolina line, gave the question an economic and political importance. A report was current that the branch of the St. Mary's on which Ellicott's mound was located, was the shorter arm of the river, and therefore not its true source; but a committee of engineers representing Georgia reported favorably to the Ellicott survey. In 1818 the negotiations between the United States and Spain for the cession of Florida led Georgia authorities to make a survey from the junction of the Chattahoochee and Flint to the St. Mary's. The line thus established known as the Watson line, ran south of Ellicott's mound. It was adopted by Georgia as the official line, land grants and townships being laid off according to it. Six years later a new line, the McNeil line, authorized by the surveyor general of Florida, ran 14 chains north of the Watson line for some distance about the middle of the boundary. Georgia at once appealed to Congress, asking the Federal authorities to establish the true line. In 1826 a commission was appointed, but when its work suggested results not favorable to Georgia, the governor of Georgia revoked his assent to the commission and recalled the state's representative. The result was a prolonged controversy between Georgia and Florida, Georgia urging a correction of Ellicott's survey, Florida and the United States defending it. In 1850 Florida filed suit in the Supreme Court of the United States for a settlement of the question. Four years later the attorney-general of the United States, on account of the public lands involved, was allowed to participate in the adjudication. This intervention of Federal authorities caused a reaction toward compromise and in 1857 both states agreed to the survey of a new line. Work was begun in 1859, but in 1861 when the new boundary, the Orr and Whitney

line, was found to be north of the McNeil line, Georgia repudiated the survey and proposed that the Watson line be accepted as the boundary between the two states. The war interrupted the controversy. The common misfortunes of that struggle calmed the intense feeling that had developed between Florida and Georgia, and in 1866 both states accepted the Orr and Whitney line, and in 1872 this action was ratified by Congress.

West Florida and Alabama.

A second problem arising from the acquisition of Florida has been a demand for the annexation of western Florida to Alabama. This movement is a result of a common historic background and a community of interests among the people concerned. All of Alabama south of the line of 31° and that part of Florida between the Apalachicola and Chattahoochee rivers on the east, and the Perdido on the west belonged to the old province of West Florida, and that part west of the Perdido was added to Mississippi territory in 1812, and to Alabama in 1817. An illustration of the community of interest between western Florida and southern Alabama is that five of the eight counties in that part of Florida have names indentical with Alabama counties, *viz.*, Calhoun, Escambia, Franklin, Jackson, and Washington. It was natural, therefore, that in 1811 the inhabitants of West Florida should petition Congress for annexation to the territory of Mississippi. In 1819 the constitutional convention of Alabama memorialized Congress to the same effect and the constitution of that year, also those of 1861, 1868 and 1875 provided for an increase of Alabama's territory. In 1858 the legislature of Alabama attempted negotiations with Florida for the cession of the western counties, but Florida would not listen

to the overtures. In 1869, however, under the extravagant and imaginative carpet-bag régime, annexation seemed more promising. Commissions were appointed in each state in 1868 to formulate plans of action. Their report proposed that Alabama pay to Florida in return for the eight counties $1,000,000 in 8% bonds and endorse the bonds of railways planned for western Florida. This plan was referred to the people of the counties, the legislatures of the states, and Congress. An election was accordingly held in seven counties of western Florida, which showed a majority for annexation, but action by either state or Congress was forestalled by the development of opposition in Alabama, where the extravagant expense account of the commission and the proposal to endorse railway bonds in western Florida made many leaders lose confidence in the movement. In 1873 a similar attempt at annexation also failed. But the question still lingers in Alabama politics; the last legislation toward that end was in 1901, when the legislature appointed a commission to open negotiations with Florida, without result.

Water Boundaries and Riparian Rights.

Watercourses, when they have been designated as boundaries, have given rise to a distinct group of inter-state problems,—the jurisdiction over the shore line, questions of boundary, property rights and jurisdiction caused by change of channels, and the control of economic resources. Illustrative of the first of these is the case of Alabama *vs.* Georgia regarding jurisdiction over the west bank of the Chattahoochee. The terms of Georgia's cession of western lands in 1802 made the boundary extend "west of a line beginning on the western bank of the Chattahoochee river, where the same crosses the boundary between the United States and Spain, run-

ning up the said river and along the western bank thereof." Such a definition was satisfactory for the upper part of the Chattahoochee where the river banks are high and the water course well confined; but below the falls the banks are low and the river frequently rises, widening its course as much as half a mile. Consequently jurisdiction over the west bank became a matter of dispute. Alabama held that its rights extended to the low water line, while Georgia claimed jurisdiction as far as the high water mark. After years of fruitless controversy, Alabama brought suit against Georgia in the Supreme Court of the United States. The decision given in 1859 was in favor of Georgia, the court holding that the bed of a river "is that part of the soil alternately covered and left bare" by the water.

Problems of the Mississippi River.

Changes in the channel of the Mississippi River have been the cause of a variety of difficulties.

First of these is the adjustment of jurisdiction and boundary. The treaties between England, France and Spain in 1763, and England and the United States in 1783, designated the middle of the river as the boundary of English and American possessions, and this line became the boundary of the states east and west of the Mississippi. But diversions of the main channel have caused conflict of claims to land between the adjacent states and their citizens. Such was the cause of a suit between Missouri and Kentucky.

In 1859 Missouri brought suit in the Supreme Court of the United States for possession of Wolf Island about twenty miles below the mouth of the Ohio, then held by Kentucky, basing the case on the channel of the Mississippi which ran east of the island. Upon investigation the court found that the

original channel of the Mississippi ran west of the island, that consequently it had been included in a map of colonial Virginia, that Kentucky had established jurisdiction over it, and that the diversion of the channel to the east side of the island did not occur until the Nineteenth century.

Mississippi and Arkansas.

A similar condition has been the cause of controversy between Mississippi and Arkansas concerning jurisdiction over Island No. 76. In 1817 when Mississippi was admitted to the Union, the location of the channel of the river was doubtful, but about 1830 the channel was west of the island which was surveyed by Mississippi. By 1839 the channel had diverted to the east side of the island and consequently Arkansas, which was admitted to the Union in 1836, also surveyed the island, secured grants from the United States land office, and levied taxes. On the other hand the island was selected by Mississippi in 1852 under the swamp land act of Congress. Adjudication of the rival claims of these states was in progress when the war opened. In 1881 another complication was made by the channel's changing to the west of the island. Acting on the theory that the middle of the channel was the state boundary, Mississippi, in 1882, claimed jurisdiction and sold the island for taxes, but in 1892 the state recognized the jurisdiction of Arkansas and refunded the proceeds of the tax sale. Then again, in 1899, Mississippi asserted rights over the island and held a tax sale. The property rights of private individuals were thus in jeopardy, and a landholder under deeds secured through Arkansas brought suit in the Federal court, eastern district of Arkansas, for the protection of his property rights. The court decided that the island was prop-

erly within Mississippi and rejected the case for want of jurisdiction; but on appeal to the Supreme Court of the United States this decision was reversed, an examination of all available evidence concerning the current of the river in the early Nineteenth century showing that the channel was east of the island in the earliest time and most of the time. An important phase of the case is that the court acted on the theory that the middle of the Mississippi is legally the western boundary of the state of Mississippi, a theory based on the treaties of 1763, 1783 and 1795; but the enabling act of Mississippi makes the western boundary "up the said river" (the Mississippi). In early days criminals and evaders of the law took refuge east of the main channel, thus avoiding the jurisdiction of Arkansas, and denied that Mississippi, on account of the vague wording of the enabling act, could exercise jurisdiction over them. In 1826 the legislature requested Congress formally to change the wording of the boundary to correspond to that of the treaties, but not until the publication of the Mississippi code of 1857 was there any direct statement to that effect, and no recognition of the middle of the Mississippi by Federal authority until the present case.

Louisiana and Mississippi.

The development of the economic resources along the southern shore of Mississippi and Louisiana have in recent years led to a suit in the Supreme Court of the United States for the adjustment of their southern boundaries. The explanation of the difficulty lies in a seeming contradiction, at least a vagueness, in the enabling acts of the two states. The law by which Louisiana became a state, enacted in 1812, included in its boundary all islands within three leagues of the coast; later, the enabling act

of Mississippi contained a similar clause. Evidently some islands within three leagues of one state are also within the same distance of the other. However, there was no difficulty in the interpretation of the enabling acts until the growth of the oyster industry in the last two decades of the Nineteenth century made the islands along the coast line of great value. The peninsula of St. Bernard, which faces the mouth of the Pearl River, and eastward a line of hummocks of land surrounded by marsh and swamp, became the centre of conflicting interests. Louisiana in 1896 forbade non-resident fishermen to seek oysters in Louisiana waters, and in 1898 the authorities of St. Bernard parish proceeded to arrest Mississippi oystermen fishing along the peninsula. A police patrol was also established by the Louisiana oyster commission. The state of Mississippi thereupon interceded in behalf of its fishermen. The result was a joint boundary commission which met at New Orleans in 1901. Failing to reach any agreement, resort was had to the Supreme Court of the United States. Suit was filed by Louisiana against Mississippi, and in 1906 the court made known its decision. This declares that the peninsula of St. Bernard and the hummocks adjacent belong to Louisiana, the right of the state having been recognized by both the United States and Mississippi; that there is no conflict in the enabling acts of the two states, the grant of islands within three leagues of the coast of Mississippi referring to a line of the sea islands extending from Mobile Bay, Ala., to Cat Island, Miss.; and finally, that the deep water channel from the mouth of the Pearl River through the islands and peninsulas to the open waters of the Gulf of Mexico is the boundary between the states of Louisiana and Mississippi.

Private Suits.

In all these controversies, save one, states have been the contending parties, and in that one the rival claims and rights of jurisdiction between Mississippi and Arkansas were really the point at issue. On the other hand purely private suits have more than once decided questions of inter-state importance and thus prevented controversies between them. Three cases deserve mention.

Stockley *vs.* Cissna (119 Fed. Rep. 812) established a rule for deciding state boundaries and property rights to land when the Mississippi changes its course. In 1876 the river abandoned its course about forty miles above Memphis, Tenn., cutting a new channel across the neck of Devil's Elbow, leaving the old channel around the point dry land. Two thousand acres of river bottom were washed away and 1,000 acres of Tennessee land were placed west of the main channel of the river. Property rights and the question of state boundary were finally settled in 1902, the circuit court following the rule of the Supreme Court of the United States in Nebraska *vs.* Iowa, holding that a change in the channel does not alter property rights or state boundary.

In two private suits, also, obscurities in the Tennessee-North Carolina boundary have been clarified. The aim of the surveyors who established the line was to follow the high range of mountains which lie between the states. South of the Tennessee River the range divides into two branches, Hangover Ridge on the east and Fodder Stack on the west. These extend for about nine miles and then re-unite. The surveyors did work on both spurs but as their written reports are lost no one knew which they adopted as the proper boundary. Moreover, after the removal of the Indians from the frontier region in 1836, both North Carolina and Tennessee issued land

grants for the country between these spurs. Not until 1900 did any judicial authority undertake to find which ridge was the proper boundary, when the circuit court of the United States decided in favor of Hangover. In 1902 a similar break in the boundary range between County Corners and Bryson's Gap was also decided by the same court which found the western spur the true boundary.

The great causes of controversy in the past have been settled. Obscure clauses in charters have been cleared up, unscientific lines have been revised, moral obligations have been enforced, and interpretations of water boundaries have been made which should be guides for the future. Will contentions continue to rise? This depends on the nature of new conditions and their relation to state development. Contemporaneous development is economic. While economic influences tend to eliminate provincialism, isolation, and political individualism which have undoubtedly animated many controversies in the past, questions of commercial control and commercial rivalry may also become the subject matter of controversy. Two illustrations may be taken from recent history.

In 1899 there were sporadic cases of yellow fever in New Orleans. The governor of Texas and the health officer of Texas thereupon placed a complete embargo on all inter-state commerce coming into the state from New Orleans. This ignored the rules for inter-state commerce provided by the Atlanta conference on yellow fever held in 1897. The authorities of Louisiana believed that this wholesale embargo was a discrimination against New Orleans commerce, in favor of Texan ports, tending to cause the shipment of cotton to Galveston rather than to New Orleans. A bill of complaint was therefore filed in the Supreme Court of the United States

asking for an injunction against the action of the Texan officials, but a demurrer on the part of Texas was sustained, and the suit dismissed.

However, commerce itself is larger than state limits, and its control tends to pass from the state to Federal power. Commercial controversies therefore do not take the old form of suits between states but suits against corporations. Such was the cause of a hearing given the state of North Carolina by the Inter-State Commerce Commission in 1908. The contention was that transportation corporations doing an inter-state business gave a freight rate to Virginia cities much lower than the rate to North Carolina cities equally or less distant from the source of supply, thus discriminating in favor of Virginia industries. Such controversies, really a conflict of economic interests, will continue to rise in the future but litigation will hardly be so prolific as in the past.

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Chapter II.

COÖPERATION FOR THE DEVELOPMENT OF THE MATERIAL WELFARE OF THE SOUTH.

IN the following pages it is proposed to describe briefly the efforts of the people of the South to build up certain phases of their economic life, and attain thereby a greater or less degree of economic independence. Obviously this will presuppose two fundamental facts: first, that there was a "South," conscious of itself, desirous of self-protection and hopeful that independence could be attained; secondly, that this section, equally conscious that it was not independent, and certain that something was at fault in its economic organization, sought the best method of avoiding loss or injury from the outside world, and especially from other parts of the United States.

Opposition to Tariff and Abolition Compelled Organization.

The detailed narrative of the steps by which was developed the consciousness of a sectional South, which existed in 1861, belongs to some other portion of this work. Here it is needful only to remind the reader that this was a development and not an original fact in the history of the United States. The development was determined mainly by economic causes, by the physical geography of the land, by the institutions and habits which, in the colonial period, that physical geography brought into existence, and by the common interests which later led to a common political point of view. That this unity of

sentiment was a development is one of the most certain conclusions reached by recent historical investigation, and particularly by those studies in the history of individual states which have revealed so clearly the influence of sectionalism within a single state. For example, it has been made clear that in the early days there was quite as much opposition of interest between the small farmers of Scotch-Irish extraction, who dwelt in the upper part of South Carolina, and the planting element of the older tide-water section, as there was between Charleston and Boston or Annapolis. This state sectionalism can be traced not only in South Carolina, but, in varying degrees, in all the older states, and when the tide of settlement crossed the mountains, it reappeared in a modified form, but with no less real power, in the jealousy that existed between sections in the Western states; for example, between eastern and western Tennessee. Not only in affairs of local interest, such as the building of canals or turnpikes, or the control of a state bank, but also in many national questions were states thus divided, the representatives from one part voting in direct opposition to those of another. To unite all or a great majority of these warring place-interests into one great geographical entity required something that would necessitate common action, some powerful compacting force like that which, in the revolutionary epoch, compelled such different people and such opposite interests into a common organization against Great Britain. Such compelling causes were many. But those of chief importance in the creation of Southern feeling were a common opposition to the policy of a protective tariff and a common upholding against outside attack of the institution of slavery. Although many earlier manifestations may be noted, the full binding force of these two factors may be

referred to the fourth decade of the Nineteenth century when South Carolina fought the battle of nullification and when the South united against the attack of radical abolitionism.

The second fact which has been stated as fundamental was the feeling of loss, which, historically, was even earlier in its appearance and statement than the common protest against tariff and abolition, and indeed was intimately connected therewith. From Virginia and then from South Carolina came voices which told of economic retrogression, and which explained such decline in wealth and productive power as due to the inequitable operation of revenue laws formed by Congressional majorities to the detriment of a non-manufacturing minority. There is hardly any more interesting phase of American politics than the way in which the South constrained its leaders to abandon the nationalistic aspirations with which many of them began their careers, for the defensive attitude that looked to the protection of their own states. Over the correctness of the economic theories advanced by those who resisted the rise of protectionism, and over the constitutional orthodoxy of the states' rights doctrines by which resistance was to be defended, opinions may differ, but no one can question the fact that the old South, the South of the Atlantic seaboard, came to occupy a position of practically united protest against a high tariff. When to this was added the apprehension of danger from abolitionism to that institution which had so wonderfully spread from the seacoast to the interior and, supplying economic demand, had subordinated to itself sections originally opposed to it, one finds that the foundations had been laid for a common South, even if years might be required to erect on these foundations the completed structure.

In this sectional drawing-together, the leadership passed from Virginia first to South Carolina, which in talents was well fitted for it. For the radical measures of the states-rights majority in South Carolina the South was not yet ready, however much sympathy there might be in other states. But South Carolina appealed strongly to her sister states for support. An evidence of the wish to awaken the consciousness of unity in the South is found in the very interesting enterprise which was undertaken at Charleston, the establishment of a *Southern Review* to voice the best thought of the South. For four years the attempt—all too premature—was bravely supported by the labor of men like Stephen Elliott, Sr., his son of the same name, Hugh S. Legaré, R. Y. Hayne, Dr. Thomas Cooper and Chancellor Harper. A wide range of subjects was covered by these essayists; matters of politics, classical topics, history, belles-lettres, and to a noteworthy degree economic theories of one kind or another. Of a deliberate analysis of Southern economic life, and of plans for economic progress, there was little, but the spirit of defending the South was ever manifest. South Carolina's protest was still political; political ability was the strongest resource of her statesmen, and to it they trusted. Papers that attacked the government's policy in the tariff and in internal improvements we may pass by, but in the last number of the *Review,* which was published in 1832, there appeared an article in which a demand was made for a constitutional convention to revise the constitution in sixteen particulars, including nearly all the matters in connection with which the states had disagreed as to the extent of Federal power. Such was the evidence that, at least in South Carolina, the times were out of joint. One can hardly wonder, in view of such a general bill of complaints, that Everett asked what

difference it would make if the one subject of the tariff were adjusted, and queried,

> Quid te exempta juvat
> Spinis de pluribus una?

Development of Internal Improvements.

But our preliminary facts have been sufficiently emphasized, and it is now time to ask what the South did to better its condition. Mere protest was futile, action was necessary, and the South acted. The first and most important direction in which the South looked, in its effort to repair its losses and keep abreast of the rest of the country was toward the improvement of its transportation; for as a section its very size involved the disadvantages of separation. Already the Southern states, disapproving of internal improvement through the activity of the Federal government, or feeling that they were not getting their share, had proceeded to undertake the study of their own resources and the development of possible means of commerce and intercourse. Geological and other surveys had begun. In North Carolina, for example, pioneer work in the field of geological inquiry was done by the board appointed in 1818. In 1824 another survey was carried out by Olmstead, and in 1829 another under Mitchell. In the latter year Tennessee, across the mountains, elected a State Board of Internal Improvement. This was ten years after a State Board of Public Works had been established by South Carolina, which in 1827-28 incorporated a large general Canal and Railroad Company. Georgia's Board of Public Works was founded in 1825-26. Virginia had long been discussing plans for internal improvement, and was now the more impressed with the necessity of action as emigration from the state increased. Besides the canals, turnpikes were coming into more ex-

tended use. Of these the larger number were local and controlled by a single state, but occasionally inter-state highways were planned, and coöperation between different companies was necessary.

An interesting example of this early local internal improvement, especially significant because it involved inter-state relations, was the enterprise of a South Carolina citizen of German extraction, one Henry Shultz. Recognizing the possibilities for trade afforded by the situation of Augusta, at the head of navigation of the Savannah River, Shultz first accomplished the building of a bridge across the river at this point—a project that had previously twice failed. The next step was the building of a wharf, after which he proceeded to lay out a town which he called Hamburg, and to establish a cotton warehouse.* He also formed a "partnership in the business of banking" under the name of "The Bridge Company of Augusta." The bridge was valued at $75,000, and with other property named constituted the partnership stock.† Another scheme was the establishment of a line of steamers to ply directly between Charleston and Hamburg. Unfortunately the legislature of South Carolina dealt rather hardly with Shultz, and his relations with Charleston were, for a while, strained. Later, as we shall see, he again appeared in endeavors for the public good. The quarrels between Georgia and South Carolina over the navigation of the Savannah River, like the time-honored jealousy of Maryland and Virginia over the Potomac, illustrate admirably the particularism of the states, one of the chief difficulties that limited all forms of coöperation. ‡

*Phillips, *Transportation in the Eastern Cotton Belt*, pp. 77–81. The statement that "Shultz soon disappeared from the scene" requires modification.

†Kennedy *vs.* Georgia State Bank, 8 Howard, 586.

‡Phillips, *Transportation*, pp. 116–118.

The early stages of canal and highway development lie outside the field of this chapter; nor can we stop to trace the beginning of railroad development in the Southern states of the Union. Our interest in the railroad problem begins when it enters its second stage, and the South is driven in competition with the East to look westward over the mountains for the commerce which shall maintain or restore its former prosperity. The courage with which the merchants of Baltimore faced the problem and developed the Baltimore and Ohio railroad is the brilliant introduction to a long story of interesting effort,* while the wrangling between this and the rival enterprise of the Chesapeake and Ohio canal again illustrates the serious obstacle of local jealousy.† Looking farther to the South one sees that the mountain barrier offered even more difficult obstruction than in Maryland. An arduous journey by wagon separated Tennessee from the Eastern cotton belt and made Kentucky turn to the Ohio and to northern routes in the effort to reach the seaboard. The farm products of the Northwest could more easily pass down the Mississippi and come to the Carolinas and Georgia by the Gulf and the Atlantic than follow the shorter route across the mountains. But the Southeast took hold of the matter with vigor. As early as 1828 a writer in the *Southern Review* proposed the Muscle Shoals on the Tennessee River as the best point of contact for a railroad between the Atlantic and the Mississippi Valley, showing the short distance from that point by water to the Mississippi, and by land to Augusta, Ga.‡ Five years after this there was railroad connection between Charleston and Henry Shultz's town, Hamburg, just

*Reizenstein, *Economic History of B. & O. R.R.*, J. H. U. Studies, Vol. XV.

†Ward, *Development of Chesapeake & Ohio Canal*, J. H. U. Studies, Vol. XVII.

‡*Southern Review* Vol. II., pp 485. The writer is said to have been Stephen Elliott, Sr.

across the river from Augusta.* But in the next few years South Carolina promoters, partly influenced by solicitations from Cincinnati, undertook another route to the West by the way of the French Broad River. The story of the Cincinnati and Charleston railroad and its failure has been told by Professor Phillips. Here it need only be said that after all Charleston had finally to seek her western route by way of Augusta, and take advantage of the enterprise of her sister state, Georgia, a coöperation which Calhoun had advised from the first. Besides this Southern trans-mountain route Virginia, too, planned roads to the West, but after much delay she only succeeded so far as to push a line down her westward valleys to eastern Tennessee, there to make connection with the extension of the same Georgia route, which, by that time, had been carried from Augusta through Atlanta to Chattanooga.†

It was not until 1851 that this last link was completed by the construction of the Western and Atlantic railroad. The activity of the thirties had been checked by the panic of 1837, the cotton crisis and the death of General Hayne, and only in 1845 did the railroad reach so far west as Atlanta. In that year was held the great Memphis convention, of which we shall say more hereafter. While these two events were not directly connected, we may use them as land marks for the beginning of the second period of railroad development which extends from 1845 to the time of the War of Secession. To understand this period we must shift our point of view from the Atlantic states to those of the Mississippi Valley and the Lower South. In these, settled later than their Eastern sisters, the accumulation of capital,

*Phillips, *History of Transportation in the Eastern Cotton Belt*, pp. 132 ff.

† Phillips, *Transportation*, Chaps. IV.-VIII. (Calhoun's objection and his resignation from the directorate of the Cincinnati and Charleston R.R. will be found in Calhoun Correspondence, American Historical Association Annual Report, 1899, Vol. II., pp. 346 ff).

of course, was postponed, and these states had to go through the same economic ills, the commercial crises and other trials, which at an earlier date or during the same years afflicted the seaboard section. But the time came when the desire for larger commercial intercourse by railroad competed with local feeling and with the devotion to older forms of internal improvement, and the West was willing and anxious to extend to plans for railroad building, both private capital and state credit.*

While trade was slipping away from Charleston and the Southeast, in another part of the South a most remarkable growth was apparent. New Orleans was coming into its own. The days of the flatboat had given way to those of the steam vessel, and in spite of the losses from the explosions of ill-constructed boilers and the wrecks due to shifting channels and treacherous snags, the steamboat trade of the Mississippi underwent remarkable expansion. The value of the produce received by river trade at New Orleans in 1816 is given as a little less than ten million dollars; in 1840 it fell little short of fifty millions. The cotton receipts, at this period, constituted an important part of the total; but there was also an enormous trade in other products of the West, especially pork, bacon, beef, hides, grain, flour, coal and lead. New Orleans took the place of Charleston as the centre of the cotton trade, and its factors extended easy credit to the planters of the Valley. "The whole agricultural country along the lower Mississippi and its bayous and streams became, in a manner, the commercial slaves of the New Orleans factors, and were not allowed to sell to anyone else or buy from them. The western produce shipped

*Callender, *The Early Transportation and Banking Enterprises of the States in Relation to the Growth of Corporations* (*Quarterly Journal of Economics*, Vol. XVII., p. 111, November, 1902).

down the river never stopped at the plantation, but was sent direct to New Orleans, and thence transshipped up the river over the same route it had just gone." But even the favorable position of New Orleans was soon threatened by the opening of the canals in the North, which diverted at once a large part of the grain to the East for shipment from New York. By 1846 the receipts of flour and wheat at Buffalo exceeded those at New Orleans. Thus there faced the people of the latter city something of the same problem which had so aroused the anxiety of the Southeast, the loss of the shipping trade.*

To the competition of the canals was soon added that of the railroads, still more dangerous for the future of the Crescent City. Losses in the trade in grain, lead and manufactured goods were made up in the constant expansion of the cotton trade of the Valley, which, without the aid of any commercial conventions, rapidly raised the proportion of cotton receipts to total receipts and made New Orleans, like Charleston, a cotton city. This cotton trade was later shared not only by Mobile but by the rising port of Galveston, where, in 1839, was made the first direct exportation to Liverpool, and where, in 1844, imports for the year were valued at over half a million dollars.†

While these phases of competition are beginning to affect the trade of New Orleans, let us turn to the upper portion of the Mississippi cotton region where, on the one hand the pressure of the monopoly of New Orleans, and on the other the progress of the railroads from the seaboard to the West, seemed to promise a rivalry most pleasing to the cotton

*Walker, *Commerce of the Mississippi River from Memphis to the Gulf of Mexico*, in Switzler, "Report on the Internal Commerce of the United States," (Washington, 1888).

†For Galveston I have consulted a MS. essay on the Port of Galveston, by my associate and former student, Mr. George V. Peak.

planters of this section, far removed from their market. In such a situation was Tennessee, a typical pivotal state, of which the western part lay in the cotton belt, the central region produced tobacco, corn, oats and stock, while the eastern section constituted a third division, mountainous like western Carolina, with long valleys running northeast to Virginia and southwest to Georgia and Alabama. Small wonder is it, in view of this physical geography, that Tennessee was late in railroad building. Already long divided by sectional interests clamoring for the improvement of rivers and highways, the state was now approached from all sides to lend her aid to railroads.

The Western and Atlantic pushing from Atlanta towards Chattanooga had invited direct connection with Nashville, while East Tennessee was fed on hopes of lines between her valleys and the cities of Virginia. To the north, Louisville was preparing, in 1849-50, for the beginning of the Louisville and Nashville road.

But the most energetic railroad centre was the new town of Memphis in Tennessee. The favorable situation of the Chickasaw Bluffs had been recognized very early, but the portion of Tennessee in which Memphis lay was not legally open to settlement until 1819. During the next two decades the village grew to be a considerable town and more than repaid the speculation of its early promoters. As early as 1831 a company, later called ambitiously the Atlantic and Mississippi Railroad, was chartered by Tennessee to run to the Tennessee River at the Muscle Shoals, there to connect with a local road which Alabama had planned. But this early undertaking failed, and the same fate overtook the Memphis and La Grange railroad, the first of those in west Tennessee to which the state extended finan-

cial aid. In 1845-46, just after the meeting of the great Memphis convention, to which we shall later devote some consideration, the company was chartered which carried to successful accomplishment the union of the West and the East. This was the Memphis and Charleston railroad.

In the organization of this road a prominent part was taken by Gen. E. P. Gaines, who was interested in the lower Mississippi valley and especially in the region about Memphis. In 1833 he had been one of a commission to survey a route from Jackson, Tenn., to the Mississippi. In the next two years he was writing to Tennessee and Georgia in connection with the Memphis and Charleston project. In 1839 he appeared again as the chairman of a meeting to increase the banking capital of Memphis and to advance the interests of the railroad connections between the Mississippi and the East. Finally, in 1845, he took great interest in the promotion of the Western railroad connection. As we have said, the road soon began construction. When finally opened, this road, with the Western and Atlantic, Georgia, and Charleston and Cincinnati railroads, made the first Southern connection between the East and the West.

Meanwhile Nashville, left out of this Memphis scheme, was developing great activity as a railroad centre. We must pass over the failures of early days and begin our narrative in 1845, when, stirred by the great southwestern convention at Memphis, the people of Nashville organized a rival convention of their own. Although a gathering of local interest, this seems to have resulted in the incorporation of the Nashville and Chattanooga Railroad, which was intended to connect with the Georgia lines at some point in the southeast corner of Tennessee.* In

*Act of Tennessee, 1845. The road was opened in 1854.

course of time this junction was made at Chattanooga, and part of the line which, in order to turn the mountains, ran for a short distance through Alabama was used also by the Memphis and Charleston Railroad in its entrance into Chattanooga. Somewhat later the Louisville and Nashville carried this same connection to the Ohio, realizing thus the plan which Cincinnati had begun and failed to accomplish.

Another important through connection which was put in operation before the outbreak of the war resulted from the building of a line from southeast Tennessee through the valleys of Tennessee and Virginia to the seaboard cities of the latter state.* This project, again, had been conceived very early, but was late in fulfillment.

A third route from the east to the west was finished before the war. This started from Atlanta, turned southward to Montgomery, Ala., and there, by a series of local roads, proceeded to the Mississippi at Vicksburg, passing through Meridian and Jackson on the way. From Vicksburg there was a short line to Monroe, in Louisiana, which was regarded as the beginning of a connection to the farther west.

Only two more through lines remain to be considered. Among the cities inspired by the awakening of 1845 was Mobile. So long as water navigation was the sole means of transportation, Mobile, cut off from the Mississippi, could not hope to compete with New Orleans. But when the railroads had proved their capabilities Mobile caught at the idea of a connection between itself and the Mississippi Valley, and struck at the junction of the Ohio with the Mississippi as its northern terminus. After enthusiastic meetings at Mobile in 1847-48, the Mobile and Ohio

*Act of Tennessee, incorporating the East Tennessee and Virginia Railroad Company, 1847–8.

Railroad was chartered by the various states through which it was intended to pass, and without much delay and with some assistance from the Federal government was brought to completion.

Now New Orleans was forced to act, fearing that she would lose the cotton trade as she was already losing her former commerce in western products. Therefore New Orleans connected herself first with Jackson, then with Memphis, and paralleled the river with a railroad—now a part of the Illinois Central system.

With the exception of some variant lines and some Piedmont roads on the Eastern seaboard, we have now sketched the development of all the great through routes that were completed before the outbreak of the war. There was much, however, that was not finished. For example, while the coast cities of the Atlantic were connected as far south as Charleston and Savannah, there was no connection between Mobile and New Orleans. One serious deficiency of the condition then existing was the fact that in the haste for local development, or for advantageous through connections, the internal welfare of individual states was sometimes neglected. To illustrate, the iron and coal of northern Alabama being not yet sufficiently exploited, there was no railroad connection between northern and southern Alabama, between the waters of the Gulf and those of the Tennessee. Again, one could not go directly from Nashville to Memphis or from Nashville to Knoxville. There was no northwest to southeast line over the Cumberland plateau. Indeed, as one looks at the map he sees more and more that the railroads, in general, were adapted to the commerce that was and only partially foresaw the commerce that was to be. Cotton was king over transportation as over other forms of business. On the other hand, both

absolutely and relatively, a great deal had been accomplished, and if the war had not developed until ten years later, probably a much greater progress would have been recorded. For in the decade before the war the South seemed to have awakened from its lethargy and to have overcome its early failures, and indeed did more railroad building than the New England and the Middle states combined. Proportionally, its increase in this decade was much larger than that of the country as a whole.*

Efforts to Improve Commercial Relations and Facilities.

A second phase of coöperation for the development of Southern commerce appeared in the efforts to build up direct trade from Southern ports. It is obvious that such coöperation would, from the first, be destined to one very serious limitation—that arising from competition between different Southern ports. Our chief interest in the matter centres in the efforts made by the Atlantic ports to recover the trade which they had lost. The period when such efforts appeared most active was between 1836 and 1845.

Direct Trade via Southern Seaports.

At the Knoxville railroad convention of 1836† were submitted two very interesting memorials, one from South Carolina, the other from Georgia. Each state, endeavoring to attract towards it the route of the proposed railroad, described in glowing terms the future of its industrial development. But in addition to prospects the memorials contained some interesting facts. Thus the South Carolinians said that the year before a company had been incorporated to establish a line of packets direct between

*Compare the statistics, taken largely from the census, in Ingle: *Southern Sidelights*, Chap. IV.

†A great railroad convention was held at Knoxville in 1836, in the interest of the Cincinnati Railroad Project. See Phillips, *Transportation*.

Charleston and Liverpool. Georgia gave statistics of its exports and imports, and showed for Savannah much more real accomplishment. The intercourse between Savannah and New York alone employed fifteen regular packets, but the largest business direct from Savannah was to Liverpool, whither in the last eight and a half months Savannah had exported over 125,000 bales of cotton, in value amounting to nearly $7,000,000.*

The effort to carry on direct trade with Liverpool, to which the Charlestonians had referred in their memorial to the Knoxville convention, was paralleled by a new activity on the part of Henry Shultz. He secured from Governor McDuffie a letter testifying the latter's appreciation of his services, and approving the plan of direct trade. Shultz's aim was to establish a direct trade between the interior, via the port of Charleston, and Hamburg in Germany.† In 1835 the South Carolina legislature incorporated the "American and German Trading and Insurance Company," and in 1837 there is record of the arrival of Mr. Edward Delius and lady with dispatches from the government of Hamburg, Germany, to Mr. Shultz. Mr. Delius was "preliminary consul of the Government of Prussia to the town of Hamburg." There was much speech-making, but little more appears in the South Carolina papers of this phase of Shultz's activity. Unfortunately his affairs had long been involved, and as late as 1849, a tedious litigation with the Bank of Georgia over the Augusta Bridge finally resulted in a decree of the United States Supreme Court against him.‡

*Niles's *Register*, Vol. LI., pp. 46–47.

†*Handbook of South Carolina*, E. J. Watson, Commissioner (2d edition, 1890, p. 480).

‡Kennedy, trustee, and H. Shultz *vs.* The Banks of the State of Georgia and others, 8 Howard, 586.

The Three Conventions at Augusta.

The effort to stir up interest in direct trade was taken up by other men whose names were better known and whose position was more powerful. At Athens, Ga., July 21, 1837, appeared a circular signed by William Dearing, who had been a delegate to the Knoxville convention, and by some others which invited their correspondents to attend a convention of Southern and southwestern merchants to be held in Augusta in the next October. The reason for the call of the convention was the crisis in the commercial affairs of the South and Southwest. This, it was said, afforded the most favorable opportunity to attempt a new organization of commercial relations with Europe, and it was urged that the South should do its own exporting and importing and enjoy the advantages of a direct trade with Europe. At the proper time the convention met. There were delegates both from Georgia and South Carolina, and General McDuffie was chairman of a select committee which brought in four resolutions urging the continuance of the work to secure direct trade. In the course of a dinner given to the convention many enthusiastic speeches were made. The meeting of the convention did not escape the watchful eye of John Quincy Adams who, writing to A. H. Everett of the sub-treasury scheme, said: "It came into the house under the patronage of ultra-nullification. And this exactly contemporaneous with a Southern convention held in Augusta, Ga., against the commerce and merchants of the North."*

When a second convention at Augusta met in April of the following year, Georgia and South Carolina welcomed delegates from three more states of the South—North Carolina, Florida and Alabama. Long resolutions were passed, some of them mere

*Documents: *American Historical Review*, Vol. XI., pp. 354.

repetitions of those of the preceding fall. In addition to direct trade, however, or rather as a means to facilitate it, it was urged that the banks of the South should be organized more thoroughly and should make better arrangements to give credit for foreign trade. Of special interest were the recommendations that capital invested by the South in companies and banks abroad should be brought back home for local investment, and secondly that men of influence and character should afford the benefit of their example by entering into limited partnerships under the laws lately passed by Virginia, South Carolina, Georgia, Alabama, Tennessee and Florida. This last refers to an interesting step in the history of our American corporation law, showing a transition point in the passing from the English to the American idea of limited liability. The convention also urged the necessity of a railroad connection between East and West.

In October a third convention met in Augusta. This time Mississippi and Tennessee were represented. An effort to commit the convention to an approval of the banking features permitted by law to the Central and Athens and to the Charleston and Cincinnati railroads was defeated; but internal improvement was again upheld as a necessary task. In April, 1839, a fourth convention met at Charleston, both Carolinas, Georgia, Alabama, Tennessee and Florida being represented.

This session was attended by an unusual number of men of prominence: from South Carolina came Harper, Hayne, Elmore, Gadsden and Legaré. The usual committees were appointed and the usual resolutions passed. One new committee was ordered to consider the fact whether goods could not be then had in Southern ports on as favorable terms as in

the North.* In the resolutions of this convention was one introduced by Hayne which proposed to re-establish the *Southern Review;* this argues much for the importance attached by the leaders of the South to that form of expression. Another resolution reveals the characteristic danger which might arise from local affairs. The convention was being drawn into a discussion of the methods of taxation, when it appeared that the Charleston merchants were complaining of bad tax laws and wished the convention to lend its support to efforts against such laws.

The effects of the cotton crisis and the death of Hayne seem to have set back this movement for the increase of direct trade, as well as the activities of railroad building. In Virginia the movement gained some ground, and one writer in the *Southern Literary Messenger* urged the importance of direct communication with Havre and the necessity of acting quickly and investing in the fastest steamboats.†

Calhoun's continued interest in the development of the South is revealed in a letter to his brother-in-law, James Edward Calhoun, written from Fort Hill, Nov. 1, 1841: "I am in correspondence," he said, "with Mr. King, of Augusta, and Colonel Gadsden on the subject of the road, with some hope of obtaining aid through Mr. McQueen (the agent of the great steam packet line about to be put into operation in England). He was in Washington last winter, and I took much pains to impress him with the vast importance both to them and to us to restore the direct trade between them and the staple states, and also that it could not be done unless by opening the connection between Charleston and the Valley of the Mississippi. He became fully impressed with the

*The reports of two important committees were reprinted some years later, in DeBow's *Review*, Vol. IV., Nos. 3 and 4 (1847).

†*Southern Literary Messenger*, Vol. V. (1839), pp. 2–12, with map. The writer was a naval officer, possibly Lieutenant Maury.

importance of the subject and the great advantage which Charleston possesses from her situation over the ports to the north of her in commanding the trade of the West, at all seasons.'"*

The deficiencies of the conventions were obvious. While the mere contact of men from different places must have been helpful, yet it was obvious that the conventions resolved too much and did too little. This criticism was brought against them in the early stages of the movement and was frequently repeated. The writer in the *Southern Literary Messenger,* to whom reference has already been made, quoted some resolutions "not to buy Northern goods when they can get Southern, unless the Northern are the cheapest; not to freight Northern vessels when they can freight Southern, unless the Northern freight for less," and said they reminded him "of the oath which Neptune and his crew required of us when we first crossed the equator, viz., 'never to eat brown bread when we could get white, unless we preferred the brown'; and 'never to kiss the maid if we could kiss the mistress, unless we liked the maid best.'"

Between the direct trade conventions of 1838-40, and the reappearance of the convention movement in 1845, a connecting link is found in the revival of a Southern journal, now known as *The Southern Quarterly Review;* a project which, as we have seen, had been mooted in 1839. Three years after this the *Southern Quarterly Review* made its appearance at New Orleans. Only a single volume, however, was published in that city, when the enterprise was moved to Charleston, still the cultural centre of the English-speaking South. This magazine, like its predecessor, was one of general culture and not specially devoted to economic ends. Professing a love

**Calhoun Correspondence* (American Historical Association Report, 1899, Vol. II., pp. 494–495).

of the Union, the editor in his opening announcement declared that its continuance was jeopardized by the hostility of the Northern and English press, and urged that the South should express its doctrine in a similar way and upon a literary plane equally high.*

But scattered among the mass of contributions of a general character we find in this, as in the old *Southern Review,* many articles upon economic topics. To illustrate, an article in the number for October, 1843, treated of the maritime interests of the South and West, making a plea for the claims of the South and West upon the naval policy of the United States. The writer urged the strategic importance of the Gulf region both on the military side and because of the commercial importance of the Southern waters. Both Key West and the Dry Tortugas should be fortified. Because of the danger of a blockade of the Mississippi by some foreign power there was need of a dockyard to be established at Memphis. For this, three naval officers of the United States had already made examinations and reported favorably. Another article on this subject to which the writer referred with approval had been published in the *Southern Literary Messenger.*†

Memphis Convention of 1845.

This emphasis upon Memphis and the Southern waters affords us a logical approach to an account, necessarily brief, of the great gathering at Memphis in 1845, which marked the revival of the idea of Southern conventions for commercial purposes. The calling of the Memphis convention seems to have been rather fortuitous, although the object was in no

Southern Quarterly Review, Vol. I., p. 63.

†*Southern Quarterly Review*, Vol. IV., pp. 309–346. The writer refers to the *Southern Literary Messenger* of 1839; but the papers in question appeared in 1840, Vol. VI., pp. 233, 306.

way new. According to DeBow's account, the originator of the convention was Captain Bingham, of Arkansas, who in March, 1845, "arrived in Memphis charged with a mission in relation to his favorite military road to the Indian frontier."* A local gathering at Memphis appointed a committee headed by Dr. Shanks. In April a call was sent out signed by fourteen gentlemen of Memphis, including some politicians of both parties. In an address this committee emphasized four purposes which the convention would have in view. First, the clearing of rivers; second, the accomplishment of Lieutenant Maury's proposed canal to the Great Lakes; third, other shipyards besides the navy-yard at Memphis; fourth, the union of the Atlantic and Mississippi by railroad from Charleston to Memphis, with a future extension to the farther West.

When the convention assembled on July 4, 1845, there were in attendance about 150 members from Tennessee, one from Pittsburg and five or six each from Mississippi, Arkansas and Illinois. As some of the most important Western states were not represented, final action was deferred until an adjourned meeting which was fixed for November 12. Meanwhile eleven committees were appointed as follows: (1) on the military and naval resources of the Valley and a steam military marine; (2) on the improvement of the Ohio River and a free canal at the falls of the Ohio; (3) on the improvement of the Mississippi River and its tributaries; (4) on a Western national armory; (5) on a national ship canal to connect the Mississippi with the Northern lakes; (6) on mail routes on the Western rivers; (7) on a military road through the public lands of the Southwest; (8) on reclaiming the submerged grounds

*DeBow's *Commercial Review of the South and the West*, Vol. I., p. 10. But Niles's *Register*, Vol. 68, p. 312, gives a different account, stating, though with a tone of uncertainty, that the suggestion came from a state convention in Illinois.

along the margin of the Western rivers; (9) on the growth of cotton; (10) on manufacturing in the South; (11) on the completion of a railroad from Memphis to Charleston.*

Thus the *raison d'etre* of the convention seems to have been partly local, partly military, but prevailingly Western, expressing the influence of the Trans-Mississippi frontier and the unity of interest fostered by the great river.

The second session in numbers and dignity quite made up for the deficiencies of the first. Nearly 600 delegates were present. The states which sent them were first, Tennessee and Mississippi; from these two came by far the greater number; second, Arkansas, Missouri and Louisiana; third, Alabama, North Carolina and South Carolina; fourth, Kentucky, Indiana and Illinois, and the territory of Iowa; fifth, Texas. The accounts vary, and it is stated that Virginia, Ohio, Florida and Pennsylvania also sent delegates.

After much debate the convention finally adopted twenty resolutions which were embodied in a memorial to Congress signed by James Gadsden, J. Guthrie, of Kentucky, R. Barton, of Mississippi, LeRoy Pope, of Tennessee, and J. Luca, of Missouri. These resolutions urged the improvement of navigation throughout the Mississippi system, the deepening of rivers and harbors, coast defenses, a national armory and foundry, and the completion of the Western marine hospital, the improvement of the Western mails, reclamation of waste land, the ship canal to the lakes, renewed efforts in railroad building and assistance to this end from Congress, a military road to the highlands of Arkansas and a dry dock in the Gulf of Mexico. It is noticeable that

*Niles's *National Register*, Vol. 68, p. 312, citing *Cincinnati Atlas*. A similar account appears in the Tennessee papers.

neither cotton nor manufactures were included in this official document issued by the convention.*

While the convention was Western in origin and obviously intended to unite the West, it was in some degree captured by the South. A special invitation was sent to the venerable John C. Calhoun, who was made the permanent presiding officer. Calhoun, who wished to go, but waited for this invitation, was urged by the younger South Carolinians such as Gadsden and Elmore to go to Memphis and "set the ball in motion which must bring the Valley to the South and make them feel as allies for the great agricultural and commercial interests instead of the tax-gathering and monopolizing interests of the North." Elmore wrote "a railroad communication based at Memphis in a slave region and extended direct to Charleston, passing through the most martial of our people and who have, as at present situated, the least interest of all the South in slavery, would render their relation with us at Charleston and Memphis so intimate and advantageous that their interests and ours would be indissolubly united."†

As president, Calhoun professed a wish to avoid partisanship and politics, but his opening speech and the memorial and his famous report upon the memorial in the Senate of the United States, together with his correspondence, all seem to indicate that political considerations in his mind entirely outweighed the purely economic interest.

Calhoun's report on the Memphis memorial as viewed by the practical mind lost itself in a maze of constitutional technicalities. His part in the proceeding was in reality a step in the larger schemes of statesmanship which were then possessing his

*Memorial of the Memphis Convention, Calhoun's works, Vol. V., p. 293.
†*Correspondence of John C. Calhoun*, pp. 1061–1063.

powerful mind. These ideas of a "larger imperialism"* were to be recommended to the West by a concession in the way of internal improvements; but surely the outlook as presented by Calhoun's report was not a warm one, and it is not surprising that his suggestions met with small favor in Congress, or that the West took matters in its own hands and called a great internal improvement convention at Chicago.† It is interesting to note that if Calhoun's ideas were too narrow for the West they were too broad for the ultra states-rights press which proceeded to criticize the expressions of his memorial, much to his personal regret.

What then were the practical results of the Memphis convention? Its recommendation of a warehousing system was adopted in 1846, but it is not certain whether this was a result of the convention. Far more important was the stimulus given to the railroad movement. Niles noted next year that an increased activity was visible throughout the South and West, and that new proposals were abroad such as Dr. Cartwright's appeal for the beginning of a road from California through Texas; and the continuation of this activity from 1845 to the war, and its results, we have already examined at some length.

Another development projected before the meeting of the convention was intimately connected with the work of that body and with the endeavors of the later Southern conventions. This was the establishment at New Orleans of DeBow's *Commercial Review of the South and West,* which undertook to do for the South what Hunt's *Merchants' Magazine* was doing for the whole country. DeBow had already been connected with the *Southern Quarterly Review.*

*I borrow the phrase from Professor Dodd, *Jefferson Davis*, p. 72.

† See account in DeBow's *Review*, Vol. IV., pp. 122–127.

He was a delegate to the Memphis convention, and his larger work as a director of the Seventh Census served to enrich the knowledge which he contributed to the conventions and to his journal. The latter is well known as an invaluable source of information for the student of Southern economic history, through the statistical material published in each number, the articles on special topics of industry (such as those of Judah P. Benjamin on the manufacture of sugar), and the accounts of commercial, railroad and manufacturing enterprise and of new openings of trade in foreign countries.

Other Conventions.

A word must be added as to the convention movement in general, which from 1845 to 1861 constantly increased in proportion. During this time, as in the earlier period, there were out and out political conventions, including extraordinary gatherings like the Nashville convention of 1850. There were regular and extraordinary religious assemblies of which an interesting phase was the sectional division of national religious bodies, foretelling the political rending of the Union. Many railroad conventions led up to a meeting of an Association of Southern Railroads in 1856, composed of railroad officials. There were cotton conventions, tobacco conventions, conventions of merchants, and later conventions for internal improvements. Of special interest were the so-called "Southern Conventions," the heirs of the Memphis precedent which, after 1852, annually met in one or another of the chief cities of the South, of which an interesting account as well as a trenchant criticism will be found in Ingle's excellent and useful volume, *Southern Sidelights*. One can hardly fail to agree with the judgment therein reached that these conventions, though excellently intended, did

more harm than good through the fact that politics, rather than purely economic considerations, gained control of their organization.

Extent of Manufactures in South.

In the present stage of historical investigation the actual extent of manufactures in the South is one of the most difficult problems of our economic history; and until far more monographic work is available than has thus far been devoted to the antebellum industry of the Southern states, cautious statement is advisable. The classic view has been most decidedly negative. "Manufactures," says President Woodrow Wilson, "there were none, except here and there an isolated cotton factory or flour mill. The South stood still while the rest of the country had undergone profound changes." This, indeed, is the impression which one gets from most of the accounts of the South written by travelers and from much of the newspapers and periodicals; and it was, of course, one of the taunts brought forward by Helper, in his *Impending Crisis,* against the system which he so vigorously attacked.

The writings of Southern statesmen, also, have little to say on the subject. Calhoun, indeed, declared that he was not hostile to manufactures, but in general his writings evince little interest in their development in the South. Some leaders were dogmatically opposed. Hayne, and later McDuffie, laid it down as a principle that manufactures could not be conducted with slave labor. More surprising is the viewpoint of Langdon Cheves, who, as the successful reorganizer of the second bank of the United States, might have been expected to think differently. Cheves spoke in these terms: "Manufacturing should be the last resort of industry in every country, for when forced as with us they serve no

interest but those of the capitalists who set them in motion and their immediate localities.''* A favorite thesis in the pro-slavery argument was the disadvantageous position of the white slave in the English factory system as compared with the comfort enjoyed by the negro slave in the United States. One who held this view could not logically favor the introduction of the former system.

The Cotton Industry.

This is one side of the picture, the side that has been almost exclusively presented. As descriptive of the half century after the introduction of the cotton gin, while new fields were constantly being opened for slave labor, it is doubtless near the truth. But there is another side no less important. In the first place, before the great expansion of cotton planting, the Southern states, along with the rest of the country, had developed a very considerable domestic manufacture along many lines. Although for some time after England and the North introduced the factory system, there was possibly a retrograde movement in this line, yet the hand looms and spinning wheels remained, and from this source came many of the coarser goods used on the Southern plantations, and especially on the up-country farms. It has been estimated that at the beginning of the war nearly half the population of the South was clothed in homespun goods.† If this was the case, it is evident that many who are set down in the census as agriculturalists really devoted part of their productive energy to this other phase of industry, of which the industrial revolution of the last twenty-five years has destroyed all but a few survivals in the remoter mountain districts of the

*Quoted in *Southern Quarterly Review*, Vol. VIII., pp. 137–8.

†E. Atkinson, cited in Helm, *An International Survey of the Cotton Trade* (*Quarterly Journal of Economics*, May, 1903).

South. One important result of this home industry is worthy of note: the training in the handling of threads, which later fitted the mountain people to work as operatives in the factories.

In the second place the South did not at first neglect the new machinery and the new methods of organization. In South Carolina, to mention a single state, from 1768 to 1810 there is evidence of considerable activity in cotton manufactures both in the eastern part of the state and later among the Scotch-Irish of the west. But cotton planting offered greater profits than manufacturing at this period, and whatever surplus there was, naturally sought the more favorable opening. So long as this was, or was thought to be, the case, there was little change for manufacture. In 1826 *Mill's Statistics* reports only four cotton mill plants. In the next decade, after the decline of cotton prices and the establishment of the belief in the oppression of the tariff, more experiments were made, and we hear of the Vaucluse, the Saluda factory and several others, while in 1847-50 William Gregg began endeavors upon a still larger scale in his factory at Graniteville.

The matter was much discussed by the press. In July, 1845, the *Southern Quarterly Review* contained an article based upon an oration of Gov. James H. Hammond, an address by R. W. Roper, and a series of essays upon "domestic industries" which William Gregg had recently published. In the opinion of this writer the competition of Gulf states, and especially Texas, where cotton production was increasing at so much lower cost, boded ill for the future of the old South. Cotton conventions to limit production would be futile. The reviewer urged the development of a more varied agriculture and the raising of livestock, giving statistics to show how much of the latter were imported for the Georgia and South

Carolina markets. Tobacco and sugar might both be raised in South Carolina, and possibly silk, but the great thing was to build up the manufacture of cotton. The "spinning of yarns and the manufacture of coarse cotton clothing belonged legitimately to the Southern states. They can compete with any country in the world in the department of manufactures, and will possess a monopoly whenever the proper efforts are made to acquire it."*

In the very same number a similar plea was made for Georgia. The time of great profits, said this writer, was over for the Atlantic states. It was hard for Southern planters to become reconciled to their loss. The native population were fixed in their pursuits, as were all planters. Mercantile operations were conducted principally by emigrants from the East; the artisans were, with few exceptions, Yankees. But this statement was subject to qualification; manufactures were beginning to be introduced. Very recently in different parts of the state capitalists were investing in manufactures—the East was giving way slowly under the pressure of low cotton prices. Factories in six counties of Georgia had tested the practicability and productiveness of the manufacture of cotton and woolen goods and of cotton bagging. In the county of Upson alone $350,000 had been invested. Arrangements were at the moment being made at Augusta, Milledgeville and Columbus by wealthy and intelligent gentlemen, for manufacturing. Slave labor had been found applicable to this business, and with the raw material and the means of living at their doors, unencumbered with freights or duties, manufacturers found that the operation paid well; profits ranged from 18 per cent. to 20 per cent.

Southern Quarterly Review, Vol. VIII., pp. 108–146.

In 1850 there were reported in South Carolina eighteen factories with 36,500 spindles, consuming nearly 10,000 bales of cotton. In other states were found similar examples of progress, such as the extensive plant at Prattsville, Ala., founded by an enterprising New Englander. Accounts of progress in this line were constantly appearing in the public print, while DeBow, in his *Review* of the South and West, used every effort to stimulate interest.

But, in the third place, the most important testimony concerning the manufactures of the South is found in the actual result as reported in the eighth census. In the single decade 1850-60, for the South, the manufactures of flour and meal nearly doubled. Iron foundring increased from $2,300,000 to $4,100,000. In the manufacture of steam engines and machinery the South gained $4,200,000, while the rest of the country gained $15,000,000; but the gain of the South amounted to 205 per cent., while that of the rest of the country was only 40 per cent. In cotton manufactures the South, as a whole, advanced although there was a setback in South Carolina. Taking the total manufactures of Southern factories the decade showed an enormous increase—from $90,615,214 to $159,496,592—and, in 1860, one-eighth of the total value of manufacture in the United States was credited to the South.

The work of the geological surveys, showing the location of mineral wealth in the South, and the development of transportation facilities had already made large progress. With the evidence that capital had already found large outlet in other fields than agriculture, it seems fair to conclude that the advance thus far made would have continued by leaps and bounds. It was too early for much coöperation, and powerful industrial interests had not developed, unless we except the sugar manufacturers who, from

very early in the century, had listened with ready acceptance to the principles of protectionism. But in view of the facts which are already known, such a statement as that of Professor Bullock that "It (the South) could have no part in the economic progress of the nation, and remained, in 1860, as it had been in 1790, exclusively an agricultural region," can now hardly be regarded as otherwise than egregiously mistaken.

Scientific Study of Agriculture.

Before bringing this paper to a close a couple of kindred topics, upon which little work of investigation has thus far been done, must receive brief mention. The first is the effort to diversify agriculture. In view of the historic supremacy in the economy of the South of some staple crop, whether tobacco, rice, indigo or cotton, the farming element has always tended to become a planting element and to devote labor and capital exclusively to one product. Even to-day, when manufactures have attained such remarkable proportions, good cotton prices still tend to draw the farmer into increasing his acreage of cotton to the neglect of other farm products. But throughout all this time and even when the cotton kingdom was at its height there were efforts, sometimes little successful, to teach the opposite doctrine. Agricultural surveys, farmers' institutes and, indeed, the scientific study of agriculture are no new concepts; in the decade before the war, especially, there was great activity along these lines.

Immigration into the South.

A word may be said, also, as to the problem of immigration. It is a commonplace of American history to say that in the South this was conspicuous by its absence. The settlement of the Southwest was

carried on by the inhabitants of the older South, and in it foreigners had small share.

The fact appears to have been so generally true that exceptions assume an additional importance. Of individuals who came in from the North or from Europe we shall not speak, though the former, at least, furnished leaders in political as well as economic life. A very brief investigation, however, suffices to show that before the war there were distinct endeavors to bring groups of colonists. Such an attempt, for example, was made in Tennessee, as appears in an article in the Tennessee *Politician* for 1845, where it is stated that a Mr. Guenther, agent of DeCock and Bishop, of Antwerp, was engaged in securing 200,000 acres of land in Morgan county for from 200 to 300 Dutch immigrants. These were to be engaged in agriculture, especially in cultivation of the vine and fruit, and also in manufactures. Another company was said to have purchased 60,000 acres in Perry county. A farther search would doubtless reveal many other examples and show, in the decade before the war, the beginnings, though small, of another movement now active in the South.

Conclusion.

We may sum up the results of our investigation briefly as follows. First, we have found in the development of railroads the most distinctly purposeful attempt of Southern enterprisers for the development of their own section. Early to start but slow in accomplishment, the South, in the decade before the war, was peculiarly active and successful in this field, and had established nearly all the great through routes of commerce from East to West. Secondly, we have seen that there were serious efforts to build up the older ports of the South and increase direct trade with Europe and the outside

world. As a conscious effort this failed; the completion of the Western connection helped Charleston to some extent, but, in general, nature gave to New York in the East and to New Orleans and Galveston in the South advantages too great for South Carolina or any other state to attain. Third, we have traced the influence of the several important *Reviews* of the South both as expressions of the desire for sectional unity and as causative factors in the development of Southern industries. Fourth, we have studied briefly the rise of the conventions as a form of agitation. Fifth, we have glanced at the development of Southern manufactures, the efforts to diversify agriculture and the attempts to stimulate immigration to the South, before the War of Secession.

To the reader one inquiry will naturally suggest itself: Why did not the South do more? To answer this question is possibly beyond the scope of this chapter, but a few words may be considered not out of place. The classic answer, from the time of militant abolitionism to the present, has been embodied in one word—slavery. This is far too large a topic to discuss here; but we must point out that the classic ascription of all the South's economic backwardness to this one cause is now undergoing severe criticism. Especially in the writings of Mr. A. H. Stone it is being questioned whether there has not been a serious confusion in the use of the word slavery between the concept of slave labor, which, when examined, is found to be really *negro* labor, and the slavery *system, i. e.,* the capitalistic ownership of labor. As to the ultimate ill-effects of the latter upon the agricultural system in which it played so large a part there is general agreement, but as to the influence of slavery upon the South as preventing progress in all lines, commerce, manufacturing, immigration, etc., Mr. Stone is inclined to believe

that it was rather the presence of the negro with his racial limitations as a laborer than the existence of the slave, as such, which should be taken into account. This is a healthy criticism and a stimulating suggestion for further work, but it is subject to a possible limitation from the standpoint of the historian. Granting that there was a fallacy in the Northern attack and, so far as the two elements distinguished above were confused, in the Southern defense also, the fact remains that the South came to believe that slavery was an essential part of its economic life. In history beliefs are powerful facts; and that this belief, together with the conditions of Southern geography and the sparseness of population, acted as a depressing force upon the initiative and energy of the Southern people is hardly a matter of doubt.

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Extensive use has been made of ante-bellum periodicals, especially *The Southern Review* (Charleston); *The Southern Quarterly Review* (New Orleans and Charleston); *The Southern Literary Messenger* (Richmond); *DeBow's Commercial Review of the South and West* (New Orleans); *Niles'*

Weekly Register and *National Register* (Baltimore). Of the public documents of the United States the most useful are the Reports of the United States Census, especially those for 1850 and 1860. There is much unexploited material in the documents of the various states, usually embodied in Appendixes to the Legislative Journals. Occasionally extensive works are published describing the resources of a state, such as Mills' *Statistics of South Carolina* (Charleston, 1826). Some valuable bits of evidence are to be discovered in recent state publications, for example in *Handbook of South Carolina* (2d ed., Columbia, 1908). Especially interesting are the papers and letters of H. S. Legaré and J. C. Calhoun. Letters of interest may be gleaned from the documents published in the *American Historical Review* and in the Reviews or Quarterlies or Proceedings of the several state historical societies.

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CHAPTER III.

RACIAL PROBLEMS, ADJUSTMENTS AND DISTURBANCES.

The Indians.

INDIAN adjustments were shaped almost as much by the character and organization of the Red men as by the purpose of the whites. The southern aborigines were less warlike and savage than those of the North, but were less docile than the typical sort in the West Indies, and less advanced in the arts than those of Mexico or Peru. The tribes close upon the Atlantic seaboard in the South were petty in size and could be played off against one another. In the interior the four great confederacies held sway, and there the white men and their governments had to act with caution.

The basis of white and Indian relations varied through all the stages from chronic hostility to firm friendship,—from the harrying of De Soto's explorers out of the Creek country to the admiring amity of Tomo-chi-chi, and the Yamacraws toward Oglethorpe and his settlers at Savannah. The usual relation was one of alternating war and peace. Formal intercourse was confined mainly to trade and diplomacy. On the part of the English colonies and the American states and their citizens, missionary activity was slight.

By the end of the colonial period the petty seaboard tribes had practically all been destroyed. In the latitude of Virginia the whites were masters of the country as far west as central Kentucky. Farther south the Indians were holding their ground with more success. The Cherokees maintained their title to nearly all the mountain region in North Carolina, Tennessee and Georgia, and the Creeks held sway from the Oconee River in eastern Georgia westward to beyond the Alabama River. The Choctaws, and, north of them, the Chickasaws, controlled the region of Mississippi and western Tennessee, with few pale-face encroachments. The principal trade-routes in the period following American independence were as follows: from Baltimore and Richmond to the Cherokees in and about east Tennessee; from Charleston and Savannah through Augusta to the Creeks and Cherokees, and even the distant Chickasaws; from Pensacola, Mobile and New Orleans to all the neighboring tribes. The Anglo-Americans wanted land more than they wanted furs, and the farmers were continually narrowing the field of the fur-traders. Every possible occasion was used for crowding back the Indian tribes, especially after the cotton industry had begun its huge and swift development.

The Cherokees were the allies of the British in the war of the Revolution and the Creeks in the war of 1812. In each case the Americans defeated the Indian forces and required land cessions as conditions of peace. In the succeeding period there was constant crowding of white settlers against the Indian borders, and individual American citizens even went to settle in the midst of such tribes as would permit it. Relations of the races along the border were often informal and intimate. White farmers at times hired Indians to pick cotton; white men in many cases married Indian wives, or out of wedlock begot half-breed children; many Indian tribesmen adopted the white men's institution of negro slavery and acquired black laborers to help their women in their drudgery. The Seminoles furthermore tended to fraternize with the runaway negroes escaping from white masters and to interbreed with them.

As solutions for the general Indian problem, many plans were proposed. William H. Crawford, when secretary of war, suggested that the Indians be civilized and that the whites intermarry with them wholesale and absorb the race. The press of the day roundly scolded Crawford for his proposal. The general idea of treating the Indians as wards of the government was discussed in the period only to be rejected. On the one hand the Federal government was disposed to regard the tribes as foreign states, and on the other hand the body of the whites on the border were anxious to acquire the lands and did not wish any guardianship established over the tribes which would hinder the speedy driving of them away into the western wilderness. Most of the white missionaries preaching Christianity to the Indians labored incidentally to convert them to civilized industry. But success in this effort would tend to attach the tribesmen to the fields which they might

clear and the houses they might build. It might make them more peaceable as neighbors, but they were not wanted as neighbors at all. What was wanted was their lands. As soon as the white farming communities in the states concerned saw the tendencies of the missionary efforts, they increased their own exertions to expel the tribes, so that when roving habits should be given over and the tribes settle down to sober industry their homes would be far away in what was then spoken of as the great American desert of the West.

There was no basis found for neighborly adjustment without chronic friction. The Indians and whites had purposes and activities mutually antagonistic. The Indians were not imitative and not submissive. Talented chiefs of mixed blood increased the trouble. The Cherokee chieftains, about 1827 for example, appealed to the assertion of the inherent equality of men which the Americans had made in their Declaration of Independence, and asserted that the Cherokee people constituted one of the sovereign powers of the earth. The white men who wanted the Cherokee lands were deaf to such appeals and contentions. The Creeks, Cherokees, Choctaws and Chickasaws dreaded an emigration to a country infested with wild Sioux and Apache tribes which would prey upon the partly civilized emigrants, but this counted little in the policy of the whites. The Indians must go. The four great confederacies were sent beyond the Mississippi in successive bodies between 1817 and 1840. In the West the numerous tribes were gradually concentrated, the problem was localized and was no longer a concern of the South in general. No solution of the problem of Indian adjustments had been found save that of expulsion.

The Negroes.

The negro population on the whole was willing, first and last, to do farm labor and to submit to control. This fact was largely responsible for the very important part which the negroes played in the life of the South. In all the regions successively made available for staple production there were landholders, actual or prospective, anxious to secure labor. The plantation system was a well known device already at hand for the profitable employment of crude labor, and negroes, whether African or American born, were constantly available in large numbers, and furnished very often the only labor supply to be had. Under these conditions, almost inevitably, negro labor was imported from abroad and transported within the South to all districts where there was prospects of large profits from its employment. These negroes when brought in from Africa were heathen savages accustomed only to precarious tribal existence in the jungles. To be fitted for life in civilized, Christian, industrial society, they had to be drilled, educated in a measure, and controlled. Had they possessed the disposition of the Indians this would have been impossible. Their pliability saved them here, gave them homes, and enabled them to increase and cover great fertile tracts of the earth and share in its plenty.

Origin of the American Slavery System.

The status of the first cargoes of negroes imported into English America was indefinite, and for years remained so. They were understood to be servants under control of private masters; but a definite and universal relationship was only evolved by gradual process. One item after another was added to the regulations; that the negroes should be servants for life, and not for a term of years; that the basis of

their status should be race and not religion; that the legal device for securing control to the master should be a fiction of the ownership of the slave's person instead of a fiction of a contract; that children should inherit the status of their mothers and become the property of their mothers' owners; that the chattel thus created by the fiction of the law should be transferable by sale, bequest or inheritance like other chattels; that slave-owners if they so desired might emancipate their slaves under regulations framed for safeguarding the public welfare; that a special system of police and judicature should be applied to the slave and other negro population; that mulattoes, quadroons or other persons of mixed blood within stated degrees should be deemed negroes in the eyes of the law and held to slavery as if full-blooded Africans, and so on. Many of these provisions originated in the custom of the master class and were later made authoritative by legislation. Regulation of some sort for the negroes was imperative, and according to the general American practice regard was given in many cases to the needs of the immediate present rather than to those of the distant future. A system once developed in a commonwealth and appearing to work well was easily borrowed by neighboring colonies or states. In fact the legislation of Virginia was copied with more or less modification by all the governments from Delaware to Mississippi and Arkansas.

Character of Legislative Regulations.

Life was rough in most parts of the South, except perhaps for the planters' women-folk and the townspeople. The general task at hand was the conquest of a wilderness, largely by the use of involuntary labor. The population was sparse, and while a rude

plenty prevailed and there was little suffering among the negroes, there was need for fairly stringent regulation to secure control by the whites. In addition, where the plantations were closely grouped in dense black belts, there was need of offsetting the smallness of the proportion of whites by keeping the blacks in a more complete subjection. There was steady occasion for guarding against the absconding of slaves into the swamps or to the Indian tribes or to the free states, and there were occasional rumors of plots for insurrection. The consideration of these things led to the enactment of laws for curfew, patrol, and fugitive rendition, and of laws for restricting assemblage, for restricting the travel of slaves except in the company of whites, and for prohibiting the teaching of slaves to read. Abundant laws for most or all of these purposes were enacted by each of the slaveholding colonies and states. And a new restriction upon the negroes, whether slave or free, would be promptly enacted in case a new possible instance were discovered where an added disability upon them would tend to safeguard the established order. It became a fixed custom in most states to legislate in prevention of possible emergencies, with a consciousness that if the law should prove inconvenient to the community it would be allowed to lie unenforced until the occurrence of the contemplated emergency should call it into life. In fact most provisions of the repressive legislation were dead letters at all times. The actual régime was one of government not by laws but by men. In fact each slave was under a paternalistic despotism, a despotism in the majority of cases benevolent but in some cases harsh and oppressive, a despotism resented and resisted by some upon whom it was imposed but borne with light heartedness, submission and affection by a huge number of the blacks.

Actual Adjustments Not Shaped by the Law, but by Private Expediency.

There was legislation also safeguarding the slaves against oppression and injury, but this likewise played little part in actual affairs. It was the master's interest, comfort, principles, and desire for good repute which mainly shaped the relations of master and slave. The principle other factor in the matter was the slave's own character and attitude. If extremely submissive he might be oppressed; if rebellious he might be flogged or shackled; if an incorrigible runaway, or a chronic trouble maker, or hopelessly indolent or stupid he might be sold to a trader; if disposed to render reasonable service for reasonable sustenance he was likely to be treated with consideration; if faithful and affectionate, as very many were, he was fairly sure to receive indulgence even to the point where it hurt the master's income; and if sick, crippled or superannuated, he would be given medical treatment and support for the rest of his life. Although the laws provided that slaves must not be taught to read, many of them were so taught by their masters or mistresses. Although the laws required that slaves should be kept directly under the control of the masters or their agents, very many of them were hired to themselves and perhaps did not put in an appearance from week's end to week's end, unless to pay their hire out of their earnings. Although there was no legal sanction for marriages among the slaves, weddings were usually celebrated by religious exercises and the rights of husbands and wives were secured to them at least as effectively as the negroes usually desired. The fundamental law of slavery provided that a slave could not own property; but under any master of average consideration any slave disposed to be thrifty could lay up what he acquired

by gift or earnings and enjoy full security in its possession; and some of them even made contracts with their masters to work overtime and buy their freedom on the installment plan. In a word, the laws maintaining slavery in fact simply gave to the master a title to the control of his servants' labor and a claim upon his neighbors to aid in returning the servant to his service in case of an attempted flight. The actual adjustments between master and slave were very largely informal, extra-legal, and varied widely. The master's interest, however, and generally his inclination, lay in cultivating the good will and affection as well as in preserving the good health of his slave; for even a slave could be counted upon to do better work from loyalty and in the hope of rewards than from the fear of punishment. The great mass of plantation records, private correspondence, pamphlets and newspapers preserved in the South, which the historians have failed to use, tend to show strongly that the average master realized that the range of possible relationships was very wide in the slavery system and that it was generally to the master's interest to be indulgent though firm, benevolent though autocratic. There were some severe, grasping and harsh masters, however, and many of the slaves had so little of the docility and inertia of the typical Guinea negro for whose adjustment the system of slavery was framed, that they were a misfit in the system and were obviously and unjustly oppressed under it.

A few items written by men involved in the problem who had no thought that their letters, diaries or advertisements would ever be used for a historical purpose, will illustrate the régime more vividly than pages of description. The first is from a letter of Ralph Izard of South Carolina, then sojourning in

New York City, to his neighbor, Peter Manigault, in Charleston, April 23, 1769:

"Schermerhorn [a ship captain] will deliver my boy Andrew to you; he has run away, stolen, and given me an infinite deal of trouble. I must beg the favor of you to send him to Mr. Postell [Izard's overseer], as I find the discipline of a rice plantation is absolutely necessary for his welfare; if he was to stay long in this country he would certainly be hanged." (Ms.)

The next is a series of extracts from letters written in 1860, by William Capers, overseer of a rice plantation on Savannah River, to his employer, Charles Manigault, at Charleston. They show that a capable "driver," (i. e., foreman of a plantation gang), might fall into drunkenness and worthlessness when subjected to bad management, but might well be redeemed again under proper encouragement and control: 1. From a letter of August 5:

"If he [John] is the man that I had as driver when at Mr. Pringle's, buy him by all means. There is but few negroes more competent than he is, and [he] was not a drunkard when under my management. . . In speaking with John he does not answer like a smart negro, but [he] is quite so. You had better say to him who is to manage him on Savannah."

2. From a letter of August 11:

"John arrived safe, and handed me yours of 9th inst. I congratulate you on the purchase of said negro. He says he is quite satisfied to be here and will do as he has always done 'during the time I have managed him.' No drink will be offered him. All on my part will be done to bring John all right."

3. From a letter of October 15:

"I have found John as good a driver as when I left him on Santee. Bad management was the cause of his being sold. [I] am glad you have been the fortunate man to get him." (MSS.)

The consideration often shown in the selling of slaves is illustrated in the following advertisement from the Augusta, Ga., *Chronicle,* Sept. 2, 1909:

"For sale, a likely Negro Fellow, sober and honest: he is a tolerable carpenter, a good cooper, and can make negro shoes, and in many respects is very useful on a plantation; he is used to the upper country, and does not like to live in the lower country, for which reason only he is to be sold."

The following letter of a citizen to the editor, printed in the Washington, Ga., *News,* May 1, 1824, indicates the slackness of slave regulation. The burden of the letter is a complaint at the disorder prevailing in the village on the Sabbath:

"I see crowds of negroes around the tippling houses. . . They slip in and out, and some of them are seen drunk and rolling about the streets, oaths sounding in our own and our children's ears. . . [Furthermore] I often and almost every Sabbath see load after load of wood, hay, fodder and other articles for market hauled through the streets in waggons, carts, etc., and stop in the square until the owner can go and find a purchaser. . . Slaves have by these means every encouragement to become rogues."

The indulgence of favorite slaves in the matter of clothing may be gathered from the following advertisement by Mr. J. W. Gibbs of Charleston, offering rewards for two runaways, from the *South Carolina Gazette,* Dec. 10, 1784:

"Fifty Dollars Reward. Ran away from the subscriber on Sunday morning, a short yellow wench named Sall, well known in this city; had on a blue woolen jacket and petticoat. Also ran away last night a Negro Fellow named Will, husband of the above wench, who took with him all the remainder of her cloathes, and several suits of his own; among the latter were a pair of black velveret breeches and waistcoat, pair of white dimity corded breeches, and two or three silk waistcoats, two or three pairs of linen overalls, a cinnamon-coloured broadcloth coat with a double row of white plated buttons on the breast, a Saxon green superfine broadcloth coat, almost as good as new, with white plated buttons, a drab coloured great coat with plated buttons, a small, round hat with a black band and plated buckle, with a number of other cloaths which cannot be remembered; also two new and four old blankets. These Negroes were absent once before for three years, a great part of which time they were in the employment of a Mr. Stirk, in Georgia, from whence they were brought back about a twelvemonth ago in rags. During their stay there they acquired a great number of acquaintances with Negroes run away from this State, many of whom are now in this City, and it is supposed are harbourers of them."

An ability to read and write increased the value of a slave, as is indicated by the following advertisement by A. Fleym in the Charleston *Morning Post* for March 6, 1787:

"Negroes for Sale, viz.—A mulatto boy, sober, honest and industrious, can take care of horses, drive a coach, and is a good boatman, fisherman and house servant, 22 years old, and can read and write very well. . ."

The hardships suffered by those who refused to submit appear from this advertisement in the *Louisiana Gazette* (New Orleans), March 11, 1817:

"A Negro man who has been two years in jail will be sold at the courthouse in the town of Baton Rouge, on the 4th day of April next, for jail fees. He is about sixty years of age, 5 feet 5 or 6 inches high, and says his name is Baptiste."

Or from this notice published in the *Virginia Gazette,* April 7, 1774, by Nathaniel Burwell, of King William county:

"Run away in July last, Matt, a tall, slim Negro Man, by trade a carpenter, and about forty years old; he walks badly, having been Frost-bit in Prison some years ago, by which he lost one of his great Toes, and the Print of the Irons he then had on may be seen plainly on his legs. Whoever delivers him to me shall receive 3l. reward if taken within twenty miles of my House, and 5l. if at a greater Distance."

Likewise from the following by Henry Randolph, in the *Virginia Gazette,* Dec. 4, 1767:

"Run away from the subscriber a Mulatto fellow named Aaron, about 5 feet 10 inches high, about 19 years old, and marked on each cheek I. R. . ."

The occasional severity of slave punishments is indicated by an extract from the diary of Henry Ravenal, of St. John's parish, South Carolina, April 9, 1818:

"Set on a jury of inquest over the body of a negro woman named Sue, the property of Dr. Jordan. Verdict, came to her death by excessive punishment of his sister Rebecca Jordan."

Finally, the following letter from Mrs. S. R. Cobb, near Athens, Ga., Jan. 9, 1843, to her daughter-in-law, Mrs. Howell Cobb, at Athens, illustrates the consideration often shown by the master class. The Matilda who is mentioned in it was a free negro, and Betty's relatives were of course slaves like herself:

"Tell Howell I cannot agree for Betty to be hired to Matilda; her character [*i. e.*, Matilda's] is too bad. I know her of old, she is a drunkard, and is said to be bad in every respect. I should object to her being hired to any colored person no matter what their character was, and if she cannot get into a respectable family I had rather she came home and

if she can't work out put her to spinning and weaving. Her relatives here beg she may not be hired to Matilda. She would not be worth a cent at the end of the year." (Ms.)

Problems of the Masters.

The general tendency, as shown by the mass of plantation records and other material extant in the South, as well as by tradition and by many indications to be gathered even from the laws themselves, was for custom to be very much more kindly than the law. The legislators could deal with the theoretical situation as severely as they pleased, and suffer no personal discomfort; but the slaveholders in private life, day after day, year after year, in good times and in bad, in serenity or in stress, had to make shift to get along with their slaves. An unfruitful servant could not be discharged. Reprimands were likely to be useless or worse than useless. Some slaves were beaten, some were cajoled, but with most of course some middle ground of treatment was followed. On the whole a great deal of slack-handed service was put up with. A West Indian planter wrote in his diary (Lewis, M. J., *Journal of a West India Proprietor,* under date of April 22, 1817):

"Cubina is now twenty-five, and has all his life been employed about the stable; he goes out with my carriage twice every day; yet he has never been able to succeed in putting on the harness properly. Before we get to one of the plantation gates we are certain of being obliged to stop and put something or other to rights. . . The girl, whose business it is to open the house each morning, has in vain been desired to unclose all the jalousies; she never fails to leave three or four closed, and when scolded for doing so, she takes care to open those three the next morning, and leaves three shut on the opposite side. Indeed the attempt to make them correct a fault is quite fruitless."

Mr. R. L. Dabney, of Virginia, wrote in familiar correspondence in 1840: "It seems to me there could be no greater curse inflicted on us than to be compelled to manage a parcel of negroes." Another Virginia planter said to F. L. Olmsted "that his

negroes never worked so hard as to tire themselves—always were lively and ready to go off on a frolic at night. He did not think they ever did half a fair day's work. They could not be made to work hard; they never would lay out their strength freely, and it was impossible to make them do it." Some masters succeeded better than this in making their slaves work, usually because the masters themselves were high-grade captains of industry.

Church Adjustments.

Race relations in matters of religion varied as did those in industry, all the way from tutelage and complete paternalism by the whites to complete self-reliance and separate organization among the blacks. In the period of early adjustments there were some missionary efforts among the grown-up negroes and informal teaching of the children by their mistresses. In the vast number of families, too, which held family prayers, the domestic servants were required to attend the daily reading of the Scriptures, and the field hands were usually assembled for a family service each Sabbath. It early became customary to set apart seats in every church for the use of negroes and to invite, in many cases to require, their attendance. They were encouraged also to hold prayer-meetings among themselves, and gradually in the cities there came to be a few separate negro congregations of the Protestant sects. Even in the rural districts the contrast between the whites and negroes in temperament and the manner of religious manifestation promoted separate gatherings, though a large number of the slaves continued throughout the ante-bellum period to attend services regularly with their masters and white neighbors. A number of negroes or mulattoes who were discovered to have talent for preaching were taught by the white clergy

and ordained as ministers. Some of these, Henry Francis, of Savannah, in 1802, and the famous preacher, Jack, of Nottoway county, Virginia, for example, were bought from their masters with purses made up for the purpose and set free for their ministry. In addition to those regularly ordained, there was a great number of plantation exhorters, slaves, many of whom could not even read.

Statistics of the churches in Charleston were gathered in 1819 and published in Shecut's *Medical and Philosophical Essays.* The Roman Catholic chapel had 300 white and 150 colored communicants; the Congregationalist church 300 of each; the Lutheran 265 and 50, respectively; of the Presbyterian churches one only is reported, with 85 whites and 80 colored; of the three Episcopal congregations, St. Michael's had 350 whites and 130 colored members, St. Philip's had 390 white and 180 colored, and St. Paul's 65 whites. Finally, the four Methodist congregations had an aggregate of 382 whites and 1,814 colored, the latter reduced from 5,000 by a recent secession of the blacks to form a separate church of their own. The secession of colored Methodists here alluded to had occurred in 1818, at the instigation of negro preachers sent from the northern states. The Charleston authorities, with the usual antipathy to northern suggestions, broke up some of these meetings in 1818, under a statute of 1800, restricting negro assemblage. But apparently soon after the northern missionaries withdrew the statute was allowed to relapse into its desuetude, and several of the colored congregations continued to maintain their separate existence. In New Orleans, in 1839, there was at least one negro congregation (meeting in the negro church on Gravier street) which had had a separate existence for a number of years. In Baltimore, in 1847, there were thirteen or more separate

colored congregations, and similarly in other cities and towns. Repressive legislation following the insurrection which the preacher, Nat Turner, inspired in Southampton county, Virginia, in 1831, tended to discourage the separate meetings of negro congregations, but the effect of this was only temporary.

The general state of affairs in the churches in the later period is illustrated in a series of reports submitted to a convention in Charleston, May, 1845, to consider the religious instruction of the negroes, and printed in its proceedings. Typical for the dense black belt of the rice district on the coast is the report of the Rev. Alex. Glennie, an Episcopal rector in Georgetown district. Glennie relates that he has ten plantations under his pastoral charge; finding on some of them negroes of good character able to read, he gets them to teach the children in the catechism; he tells the negroes that with their masters' consent they may well hold meetings, using the prayer book of the church; he then on his visits explains to them what they have committed to memory, "and the people learn to worship God in a form of sound words, instead of listening to the senseless if not erroneous effusions of an ignorant negro. I cannot say that I have succeeded in this respect; there is ever a strong disposition in the blind to follow a blind leader." The report of Mr. R. F. W. Allston, also of Georgetown district, shows the grounds for an Episcopal clergyman's discouragement. In the parish of Prince George there were about 13,000 slaves, of whom 3,200 worshipped with the Baptist church, 1,500 with the Baptists, and 300 with the Episcopalians. Concerning his own plantation, Allston continues:

"I have a place of worship for my negroes, open to all denominations. The Methodist missionary preaches to my people every alternate Sabbath after catechizing the children, about 50. By the rules of my plantation the Methodists and Baptists have prayer-meetings at given

houses, each twice in the week, besides Sundays, when they meet and pray and sing together. . . I have had this custom for 15 years, and it works very well. . . Of my own negroes and those in my immediate neighborhood I may speak with confidence. They are attentive to religious instructions, and greatly improved in intelligence and morals, in domestic relations, etc. Those who have grown up under religious training are more intelligent and more generally, though not always, more improved than those who have received religious instruction as adults. Indeed the degree of intelligence which, as a class they are acquiring, is worthy of deep consideration."

Affairs in the Piedmont region are illustrated in the report of Rev. John Douglas, a Presbyterian minister in Chester district:

"The relations and intercourse between the whites and the blacks in the up-country are very different from what they are in the low country. With us they [the negroes] are neither so numerous nor kept so entirely separate, but constitute a part of our households and are daily either with their masters or some member of the white family; from this circumstance they feel themselves more closely identified with their owners than they can [on the great plantations]. I minister steadily to two different congregations. More than one hundred blacks attend—and we have about eighteen members. We have no missionaries for them specially. The gallery or a quarter of the house is appropriated to them in all our churches, and they enjoy the preached gospel in common with the whites."

A report, finally, by Mr. J. D. Wilson of Darlington district is valuable not upon religion but upon the moral progress among the slaves:

"The truth is their nature is as susceptible of improvement as our own, and were it not for the deleterious effects of ardent spirits, which is stealthily introduced among them at intervals, we might mark the negro character as having undergone a change as great as the white, in proportion to the amount of intellectual culture. The practice now obtaining so generally among masters of giving them either a proportion of the proceeds of the crop, or which is much more general, allowing them sufficient land to make a crop [*i. e.*, of their own] has infused into them a greater regard for the rights of others."

The Foreign Slave Trade: Its Volume.

A factor constantly influencing the problem of racial adjustments was the slave trade, which was an agency for distributing negroes to the localities and employers making the strongest economic de-

mands for slave labor. The foreign division of the slave trade was of chief importance prior to 1808, while the lands of the original thirteen states were being settled. The domestic slave trade in its organized, inter-state form began shortly before 1808, and grew rather steadily in importance until about 1850, when the great westward movement of the South began to spend its force and when the problem of the territories began to dwarf the preceding issues in Federal politics.

The operations of the foreign slave trade, while conspicuous, were not so perpetually necessary in the South as in the West Indies and Brazil; for while in the Antilles and South America the stock of slaves failed to replenish itself adequately and tended to die off, in the southern states a stock once on hand almost invariably increased with rapidity by excess of births over deaths. In the United States, therefore, it did not appear essential to retain the African slave trade in order to maintain a system and a supply of slave labor. In fact, the traffic to the colonies and states comprising "the South" made up only a small fraction of the trans-Atlantic slave trade. While all estimates in the premises are of necessity conjectural, a reasonable approximation would place the total imports into the South, from first to last, at about four or five hundred thousand, as compared with three to four million into the West Indies and Central and South America. The traffic flourished for nearly a century and a half in the Spanish colonies before it reached any importance in the English settlements; and it continued for a generation in Brazil and Cuba after its prohibition in the United States.

The Trade in Africa and on the Sea.

The great volume of the traffic from the early Seventeenth century onward was carried on by Eng-

lish and Yankee vessels, with some competition by the French and the Dutch. Slave cargoes were obtained on the coasts of West Africa, East Africa and Madagascar, and as the demand for them grew, the tribes on the coast developed a system of buying or capturing slaves from the tribes in the distant interior of the continent. This promoted tribal wars and treachery in the jungle, and in the long run it greatly disorganized and demoralized the African tribal institutions. This was unknown to the traders, and would have been disregarded if known. Many of the traders were professing Christians, and the Puritans particularly were accustomed to give thanks to God at the conclusion of a successful slave-trading voyage. Some of the Pharisees salved their consciences by reflecting that their traffic was bringing heathen savages (or such of them as survived the "middle passage") into touch with Christianity and was giving them a chance for conversion. But in general the slave-trade was considered neither moral nor immoral, but non-moral. The deacons in Massachusetts when sending their ships to Guinea would advise their skippers to water the rum and give short measure when buying slaves with it; and when the skipper after buying a parcel of slaves from a chieftain on the coast kidnapped the chief and his family and added them to the cargo, it was praised as a very smart trick. According to the prevailing code, no faith need be kept with the heathen.

The size of the vessels engaged in the traffic was quite varied, and likewise the cargoes carried to Africa. But a very common type in the New England traffic was a sloop, schooner or snow of about fifty tons burden, say seventy feet long, over all, twenty-four feet beam, ten feet depth of hold, and three and a half feet between decks. Such a vessel would be handled by a captain, a mate, three or four

men and a boy. It would take on a lading in Rhode Island or Massachusetts of about a hundred hogsheads of rum, a food supply, and a lot of shackles. On the coast of Guinea or Madagascar, if luck was good, a hundred slaves would be bought at say a hundred gallons of rum per head, and with food and water supplies replenished, the run to the plantation colonies or states would be begun. The negroes crowded into the between decks could not stand erect, for the ceiling was but three or four feet from the floor. When they lay down they had such scant room that they must lie spoon-fashion one with another. For the greater part of their month or two on the westward voyage they must sit manacled, often storm-tossed, often ill with the flux, liable to epidemics of smallpox, fevers and opthalmia, liable also to starvation from the spoiling or exhaustion of the food or water supply, and to shipwreck and to capture by buccaneers. In the Nineteenth century when the traffic had been outlawed by the maritime powers, the peril of capture by war vessels on patrol was added to the risks which the traders ran; and the possibility of being flung overboard was added to the risks of the poor negroes. Upon the average vessel a heavy percentage of the cargo died in the middle passage and when they reached America most of the survivors had endured brutal and terrible sufferings. It was a most unhumane traffic, but hardly inhuman, for to be human is often to be callous. The standard of humaneness nowadays is higher all round than it was a century or two ago; but by the standard of some centuries hence our general conduct of to-day may be judged either brutal or effeminate. It is impossible to say which, and it is useless to heap epithets upon a traffic of the past in which highly honorable men like Peter Faneuil engaged, which few of the Puritans condemned in the colonial period,

and to which no large group but the uncompromising Quakers were irreconcilably opposed. It happened that very few southerners engaged in the foreign slave trade. That is because their genius was that of landsmen and not of mariners, and because there were plenty of other men to do the repulsive work for them.

The Landing and Sale of Cargoes.

The principal interest of southerners in the African trade began when the voyage ended. A ship with a cargo for sale in Virginia or Maryland in the colonial time when there were no cities would sail slowly along the coast of the bay and the rivers, stopping to seek buyers and to spread information as to its further itinerary. If the demand should be slack, the ship might peddle its cargo for several months. But in the lower south, where each colony or state had a single seaport focussing its commerce, skippers would usually avoid delay in case of slack markets by depositing their cargoes with local dealers, for sale on commission. The following advertisements are typical—both taken from the Charleston *Evening Gazette* of July 11, 1785:

"Just arrived in the Danish vessel *Gen. Keith*, Captain Kopperbolt, and to be sold on Friday the 15th instant, on board the vessel at Prioleau's wharf, a choice cargo of Windward and Gold Coast Negroes, who have been accustomed to the planting of rice. The appearance of the negroes will sufficiently quiet a report which has been circulated of their being much infected with scurvy. The sale to continue from day to day until the whole is disposed of. The conditions will be as moderate as possible, and will be known on the day of sale by applying on board to A. Pleym."

"Just arrived in the ship *James*, Captain Forrest, and to be sold on Wednesday the 13th inst., by W. Macleod & Co., No. 17 Elliott St., a choice picked cargo of two hundred and thirty Gambia Negroes, all of which have been inoculated for the small-pox, and recovered without the loss of one.—The superiority of these negroes to any imported into this state (being accustomed to the planting of rice in their own country) is so well known as to render it unnecessary to enumerate any of their qualifications. A considerable allowance will be made for cash or any kind of produce."

Demand for Africans Eager.

As long as the African trade was kept open the prices of slaves ranged rather low, and there was constant temptation for the planters to increase their stocks by purchase. For example, Charles Calvert, then governor of Maryland, wrote in 1664 to Lord Baltimore:

"I have endeavored to see if I could find as many responsible men that would engage to take 100 or 200 negroes every yeare from the Royall Company at that rate mentioned in [your Lordship's] letter, but I find wee are nott men of estates good enough to undertake such a businesse, but could wish wee were for wee are naturally inclined to love neigros if our purses would endure it."

The lure of African purchases was specially irresistible if the credit system prevailed, as it did in the busy ports of the lower south. In a debate in the South Carolina House of Representatives, March 22, 1887, it is reported that Dr. David Ramsay "made a jocose remark that every man [who] went to church last Sunday and said his prayers was found by a spiritual obligation to refuse [i. e., to vote against] the importation of slaves. They had devoutly prayed not to be led into temptation, and negroes were a temptation too great to be resisted."

Problems of Slave Trade Restriction.

In spite of the interest of the individual planters in keeping open a cheap supply of slave labor, there were public considerations in the plantation colonies and states demanding more or less restriction of the traffic. For one thing the importation of great numbers of slaves involved the payment of great sums in their purchase, and drained money out of the importing districts. Furthermore the rapid influx of savage Africans and the congestion of the negroes in dense black belts tended to make police control extremely difficult and the danger of insurrection or other disorder very great. Every English colony on

the continent concerned at all with a race problem legislated or attempted to legislate from time to time in limitation of the foreign slave trade. Some of the bills passed by the assemblies looked to a prohibition, others merely to a taxation of the trade. The British crown, meanwhile, was safeguarding the interests of the slave traders, and was prone to veto restrictive measures. The rate of the duties was usually mild, and some historians have discredited the restrictive purpose of these measures, pointing for example, as Alexander Johnston does, to the preamble of the Virginia Act of 1752, which recites that an existing duty had been found "no ways burdensome to the traders." Such attempt to discredit is not entirely just. The assembly had to secure by indirection and in limited measure what the crown would in nowise consent to if presented in downright form. The colonial assemblymen, however, were neither constant nor unanimous in their desire to restrict the traffic. Representatives from newly-settled districts were eager to keep the slave labor supply plentiful and cheap, and thought little of the anxiety in the black belts. On the other hand, the representatives from the long settled plantation districts would feel an added spur to restrict the African supply because their constituents when selling their surplus negroes to the new settlements were anxious to get high prices for them. As in most other matters of practical politics, the point of view depended very largely upon "whose ox was gored."

State Prohibition of the Foreign Trade.

The situation from 1776 to 1808, while the several states had full control of slave-trading policy, brought forth just the developments which might have been expected. The states from Delaware to North Carolina, long settled and at that time indus-

trially stagnant, kept a constant prohibition upon the African trade. Georgia, with a rapidly extending industry, kept her ports open for a time until her constitutional convention closed them permanently in 1798. South Carolina maintained a prohibition upon the trade until the labor demands of the new cotton industry became too importunate. Then she opened her ports in 1803. The keenest industrial demand, however, was in Louisiana, after its purchase and the beginning of its invasion by Americans. At the end of February, 1806, the collector of the port of New Orleans obtained an opinion from the attorney-general of the United States that inhabitants of the territory might lawfully import slaves from any state in the Union. A rapid importation of negroes from Africa began at once in ships which had touched at Charleston *en route* in order to legitimize their trade. The following advertisement is typical, from the *Louisiana Gazette,* July 4, 1806:

"The subscribers offer for sale 74 Prime Slaves of the Fantee Nation, on board the schr. *Reliance,* I Potter, Master, from Charleston, now lying opposite this city. The sales will commence on the 25th inst., at 9 o'clock A. M. and continue from day to day until the whole is sold. Good endorsed notes will be taken in payment, payable the 1st of January, 1807.—Kenner & Henderson."

The congressional prohibition of the African trade in 1808 reduced it thereafter to smuggling dimensions. There was no movement in the South for a reopening of the foreign traffic until after 1855. Such discussion as then occurred will be treated in the narrative of the Slavery Issue in Federal Politics.

The Domestic Slave Trade.

The domestic slave trade had points of sharp contrast with the foreign. It involved no upsetting of African tribal life, it had no horrors to compare remotely with those of the middle passage. In fact it

involved no great physical hardships of any sort, and the wrenching from the old homes was but a temporary sentimental distress. New ties were quickly made and the old in large measure forgotten. It is a striking fact of the intellectual history of the American negroes that they have preserved no vestige of tradition regarding the concrete ancestral life in Africa, and likewise the children of the slaves who were carried to Alabama, for example, retained very slight knowledge of their parents in an older Virginia home. Typical negroes are creatures of the moment, with hazy pasts and reckless futures.

The domestic slave trade was merely a readjustment of population within the United States, to supplement the volume of spontaneous migration and distribute more effectively a labor supply to the districts where it was most in demand. The earliest important occurrence of this traffic appears to have been the selling of negroes south from the states which had taken or were about to take steps to rid themselves of the institution of slavery. The following document from the Chatham county archives at Savannah, Ga., illustrates the movement to export slaves from Connecticut, for example, after the act of 1784 in that state which provided for the gradual disestablishment of slavery:

"This may certify that I the subscriber have this day sold the bearer hereof being a negro boy named Pad about fifteen years of age middling stature & of a yellow complexion to Mr. Benjamin Richards of New London as a servant for the term of ten years only at the expiration of which time he is to be free from said Richards or any other person claiming under him or myself. In witness whereof I have hereunto set my hand at New London, in the State of Connecticut, July 10th, 1787.

Witness present, Titus Hurlbert. Nicoll Fosdich."

Doubtless full many a negro sold thus from the North for a term of years lost his papers and never found the freedom which his native state nominally secured him.

Origin and Progress of the Domestic Slave Trade.

The organized slave trade between the several states of the South began to take form promptly upon the closing of the African traffic. For a decade or more previous, in fact, it had been customary for men intending to settle as planters in the lower south to go to Virginia to secure a gang of slaves who were already adjusted to and probably native in the American environment. In due course of time professional traders arose to save such planters the need of going in person to buy slaves in Virginia.

The restriction of European trade and the War of 1812 checked the migration and the internal slave trading activity for the time, but the arrival of peace in 1815 gave a huge impulse to both. The cotton industry was expanding with enormous rapidity in the southwest, and fevers of speculation in both lands and slaves raged periodically. Except for the panic years of 1819, 1825 and 1837, the period from 1815 to 1839 was the heyday of the domestic slave trade. The chief sources of supply were the states from New York to North Carolina, and among them principally Virginia and Maryland. Some were sold also from Kentucky and from the coast of South Carolina. There were warehouses for the display of the slave merchandise maintained by the dealers in all the principal cities from Washington to New Orleans, and rural agencies, whether fixed or peripatetic, in the buying and selling districts. The following are illustrative newspaper items. The first is an advertisement from a country newspaper in Maryland, the *Centerville Evening Times and Eastern Shore Publick Advertiser,* June 21, 1828:

"Cash for Negroes. The subscriber wishes to purchase one hundred likely young slaves, from the age of 12 to 25 years; for which he will pay the highest cash prices. Persons disposed to sell will please call upon him at Mr. Lowe's Tavern, in Easton, where he can be found at all times.

"J. B. Woolfolk."

The next is a news item from the *Virginia North-Western Gazette,* August 15, 1818:

"Winchester, July 11. Several wretches whose hearts must be as black as the skins of the unfortunate beings who constitute their inhuman traffic, have for several days been imprudently prowling about the streets of this place with labels in their hats, exhibiting in conspicuous characters the words 'Cash for Negroes!'"

Trade Routes and Methods.

When a trader in this interstate traffic had acquired a squad to his satisfaction he would set off with them for the South or Southwest by one of three general routes; by sea in the vessels of the coasting trade from the Chesapeake to Savannah, Mobile or New Orleans, by land across the Carolinas and Georgia or *via* East Tennessee, or by both land and water across western Virginia and thence on boats down the Ohio and Mississippi rivers. In the last mentioned branch of the traffic the negroes *en route* were usually in manacles and bound together in coffles, for the route lay close along states where slave laws did not prevail and whence the recapture of fugitives from the squads might be found difficult or impossible. On the overland route through the heart of the South the traders used the railroads for the sake of speed and economy wherever available; and elsewhere they usually had the able-bodied negroes travel on foot and the more delicate ones in wagons, while the traders themselves were on horseback, in sulkies, or afoot. The gangs in these cases were also frequently bound in coffles, for many of the negroes went unwillingly, the negroes living along the route would gladly harbor refugees, and many of the planters had such contempt for the "soul-drivers" that they could be counted on for little assistance in giving chase to slave-traders' fugitives.

The journey was by no means always a wretched one. For example, Sir Charles Lyell in his *Second*

Visit to the United States remarks that when he reached Columbus, Ga., "the first sight we saw there was a long line of negroes, men, women and boys, well dressed and very merry, talking and laughing, who stopped to look at our coach. On inquiry we were told that it was a gang of slaves, probably from Virginia, going to the market to be sold."

When arrived in the districts of slave demand, the squads were in many cases rested for a week or two and plumped out with plenty of food to improve their appearance, and then peddled among the plantations. In other cases, particularly when the transit had been made by water and the destination was a city, the traders auctioned off their stocks or deposited them with local dealers for sale on commission. In the latter case better prices could usually be had, because credit machinery was available; and the planters would much more rapidly buy when payments could be delayed until after a crop or two had been harvested. The coastwise trade at New Orleans, supplemented at times by smugglings from Africa, is illustrated by a news item which the Augusta, Ga., *Chronicle* of Aug. 22, 1818, reprinted with the heading "Abominable Traffic," and the comment "In reading the following disgusting details one is almost led to regret that he is living in a civilized age." The item, originally printed in the New Orleans *Chronicle* of July 14, 1818, is as follows:

"The slave market appears to be very brisk—constant demand and high prices—notwithstanding the arrival lately of thirty-six in the brig *Mary Anne;* thirty-nine in the sloop *Thorn;* ninety-seven in ship *Virgin;* 19 in the schr. *Sea;* 17 in the schr. *Fame;* 34 in the brig *Venus;* 38 in the brig *Franklin;* 37 in the schr. *Humming Bird,* all from the states; 159 in the brig *Josephus II.* from Africa.

"We are, however, much indebted to the enterprising and successful exertions of Mr. Charles Morgan, for the copiousness of the present supply which with the aid of three or four hundred that have been seized by General Jackson's officers at Mobile, will probably suffice for the next crop.

"Jersey negroes appear to be peculiarly adapted to this market—especially those who bear the marks of Judge Van Winkle, as it is understood that they afford the best opportunity for speculation. We have the right to calculate on large importations in future, from the success which hitherto attended the trade."

State Restrictions.

In one of its aspects this domestic trade was a means of dumping undesirable negroes into the newly settled districts. If rebellious, torpid, tubercular, or inclined to insanity or heart disease, a slave could be sold "without a character" to a trader who in turn would unload him in the best way he could in the South or Southwest. These dumpings were dreaded, and attempts were made from time to time to guard against them by laws regulating or prohibiting entirely the interstate traffic. Prohibitive laws were enacted for example in Kentucky, South Carolina, Georgia and Alabama between 1817 and 1820. But public sanction rarely supported such laws, and they usually fell into disuse if they were not repealed. The only effective check upon the traffic was the falling off in the economic demand for it. The great cotton crisis of 1839 and the hard times continuing to 1845 in the cotton belt made it impossible to sell slaves south at any profit in those years; and the revival of agriculture in Virginia in the fifties heightened the price of labor there and destroyed much of the traders' prospect of profit.

Volume of Traffic.

Few statistics of this trade were kept, and estimates of its volume are entirely conjectural. The statistics of increase of slave population in the newer states gives little clue in the premises, because they do not indicate what proportion of the negroes were carried by their migrating masters and what by the slave traders. Estimates of the average number of

slaves carried out of the state by traders varied from 6,000 a year by Professor Dew in 1832, to 40,000 a year by the Wheeling *Virginia Times* in 1836. Mr. W. H. Collins in his recent monograph reasons that the commercial transit of slaves must have been below the usual estimates, because the census returns of population fail to show any undue proportion of young adult negroes in the importing states. This argument, however, is not convincing. On one hand the traders, particularly in the coasting traffic, took slaves of all ages, although of course they preferred youths. A manifest of the cargo of the ship *Missouri,* bound from Baltimore to New Orleans in 1810, included thirty-nine slaves, with their ages ranging from six months to forty-five years. This is probably not far from typical. On the other hand, the young "fellows and wenches" who without doubt made up the bulk of the traders' stocks, were at or near the breeding age and rapidly supplied the new states with children for the census taker. The conjecture of about 25,000 per year, which has often been made for the interstate slave trade is probably as just an approximation as can be had upon the volume of the traffic in its flourishing period.

The Question of Cruelty.

The domestic slave trade was always accompanied by a tradition that conditions were severe in the regions to which the slaves were being carried, and that the traders were men of the greatest roughness and cruelty. This was the result of a bugaboo deliberately held by the masters before the slaves in the exporting districts. Masters found it highly convenient to have a bogeyman with whom to threaten their childlike and credulous laborers. Masters had to get along with their slaves, and to avoid as much as possible any reliance upon force. An excellent

and constantly used device was to give some distant locality a horrid reputation and tell the darkies listening in round-eyed alarm that if they were not good and obedient to their kind and loving master and mistress they would be sold as dire punishment to a trader with an outrageous temper, who would carry them to work their lives away, with no holidays or frolics, in those dreadful swamps of Georgia or Louisiana as the case might be. This tradition was similar, on a small scale, to the religious tradition of hell. Negroes sold south did not return to disillusion their fellows, and the tradition lived on undisturbed. As a matter of fact, Virginia or Kentucky was little or no more of a negro elysium than Alabama or Louisiana.

The slave-trader as a bogeyman was also overdrawn. For sake of profits if for nothing else he must have his stock-in-trade in prime condition at the end of his journey. Fresh marks of the whip, as well as old scars from it, would cause suspicion of intractability and diminish the price to be had for the slave. To bring the best prices, in fact, the slave must be care-free and eager as well as healthy and strong. A trader often lost a good sale because his negroes were surly, and often made good sales through having provided for the jollity and having won the good will of his stock. The slaves usually took pride in fetching high prices, and many a one praised his own good points on the auction block. And in private sales the bargain was often determined by ingratiating advances by the negro toward his prospective purchaser. Slave-trading like liquor-selling was looked upon askance by society, and the social stigma upon the business tended to confine it to men of coarse natures. Yet the traders as a class hardly deserved all the ill repute which tradition has given them.

The interstate traffic was at times attacked in controversy and needed defense. The standard apology for it was that by its means many negroes were transferred from masters who could support them but poorly to more prosperous ones who could and would feed, clothe and shelter them much better. There was some reason in this. Travellers through the Virginia tide-water district in the twenties and thirties, for example, always noted the industrial depression and the poverty-stricken aspect of things in general; and some of them, among whom was the negro Charles Ball, remarked that many of the negroes had ashy complexions and harsh, dead-looking hair. Ball remarks that this appearance was an invariable result of the negroes having no meats or fats in their diet. In the cotton belt at the same time, and more particularly in the Louisiana sugar district the faces of the darkies shone with all the glint of pork and 'possum, their figures were plump or brawny and their hair as crinkly and glossy as wool ever gets to be.

A charge against the trade was that it broke up families, separating children from parents and husbands from wives. It was replied that such separations, while at times inevitable in the system, were much fewer than was conjectured, and that the partings of parents from children were far more seldom than in the restless migrating free society at the North. And this reply was perhaps fairly just.

A charge was made by the anti-slavery men that the states of the Virginia group were breeding slaves for the cotton belt market. In rejoinder it was contended that market-breeding was an absurdity from the mere fact that hardly any one would produce a commodity which must be kept and fed for fifteen or twenty years before it could well be sold. This reply was not wholly convincing. The fact is that

many citizens of the border states enjoyed for many years a considerable income from the occasional sale of slaves from their plantation stocks. On the other hand the matter of breeding was without doubt left almost or quite universally to the inclinations of the negroes themselves. The truth in regard to the so-called slave-breeders is that the slaves bred spontaneously and the masters sold off the increase.

On the whole the domestic slave trade was an essential part of the general slavery system. It was one of the things which differentiated American slavery from medieval European serfdom. If it had been prohibited and destroyed the general situation regarding slavery itself would quickly have become profoundly modified. Such men, accordingly, as were anxious to perpetuate slavery were correct in judging the domestic slave trade to be vital to their régime, and in beating off attacks upon it.

Maladjustments Under the Slavery Régime.

The system of slavery was by no means perfect as a method of racial adjustment, nor was its working constantly smooth. There were always many slaves absconding from their masters, a few others being stolen by white thieves, and an indeterminate number more or less definitely plotting insurrection. At one extreme there were negroes too doggedly barbaric to submit to industrial discipline, and at the other there was a class, increasingly great as decades passed, of high-grade, intelligent, self-reliant negroes, mulattoes and quadroons who were restless necessarily under the restraints of the system. With all its variety and its considerable elasticity the system of slavery was too rigid to be tolerable to all the extremely diverse people who were grouped in the so-called negro race.

Runaways and Desperadoes.

A very conspicuous feature of any average newspaper of the slave-holding districts was the numerous advertisements offering rewards for the return of runaway slaves. Some of these runaways merely took to the woods for a vacation and returned to their work of their own accord at the end of the outing. The return of these was sometimes hastened by the noise of blood-hounds in the neighborhood. Others endeavored to establish themselves as free persons of color, or in the case of octoroons to pass as white persons, and perhaps to work their way in some fashion to the northward of Mason and Dixon's line. Others became desperadoes and held localities in terror until raiding parties were sent against them. The following newspaper items are illustrative. The first which is taken from the *Louisiana Courier*, June 15, 1830, describes a case where provision in advance was made against the expenses of a long journey:

"FIFTY DOLLARS REWARD will be paid for the apprehension of the negress slave named ANNY, aged about fifteen years, having a mark of a scald or burn on each shoulder. Said slave ran away from the residence of the subscriber, in the suburb Marigny on the night of the 11th inst., and took with her $300. in notes of the different Banks of this city. The above reward will be given for the apprehension of the said slave, and return the money; or $10. for taking up the Slave, should the money not be found. All persons are warned, under the penalties prescribed by law, for harbouring said slave. ANTONIO ACOSTA."

Sometimes a whole group of negroes on a plantation would stampede for the woods or for the North together. A frequent cause in such cases was the maladroitness or the oppressiveness of the master or overseer. Sometimes a runaway would grow into a desperado and perhaps be declared an outlaw by the government with a price upon his head. One of these was mentioned, for example, in a news item

from Raleigh, N. C., printed in the *Louisiana Gazette,* Feb. 24, 1819:

"The notorious outlying negro Billy James, who has been so long depredating on the property of this vicinity, and for the apprehension of whom the Governor offers a reward of one hundred dollars, was on the plantation of Col. Wm. Hinton a few nights ago. The Col., being informed of it, hoped to surprise him, but hearing no doubt, from some of the negroes of the plantation, what was going on, he escaped."

Sometimes a fugitive when pursued stood at bay, and in a terrific fight sold his life most dearly. The following account is from the New Orleans *Daily Delta,* April 11, 1849:

"It is our painful task, says the Houston (Miss.) Republican of the 31st. ult., to record one of the most shocking murders that has ever occurred within the bounds of our country, which happened in the prairie, near the quiet little village of Pikeville. It appears that Mr. J. Heggerson attempted to correct a negro man in his employ, who resisted, drew a knife and stabbed him (Mr. H.) in several places. Mr. J. C. Hobbs (a Tennesseean) ran to his assistance. Mr. Hobbs stooped to pick up a stick to strike the negro, and while in that position the negro rushed upon him, and with a dirk, inflicted a wound in his left breast, which caused his immediate death. The negro then fled to the woods, but was pursued with dogs, and soon overtaken. He had stopped in a swamp to fight the dogs, when the party who were pursuing came up and commanded him to give up, which he refused to do. He then made several efforts to stab them. Mr. Robertson, one of the party, gave him several blows on the head with a rifle gun; but this, instead of subduing, only increased his desperate revenge. Mr. R. then discharged his gun at the negro, and missing him, the ball struck Mr. Boon in the face, and felled him to the ground. The negro seeing Mr. Boon prostrated, attempted to rush up and stab him, but was prevented by the timely interference of some one of the party. He was then shot three times with a revolving pistol and once with a rifle, and after having his throat cut, he still kept the knife firmly grasped in his hand, and tried to cut their legs when they approached to put an end to his life. Mr. Boon is said to be seriously wounded. Mr. Heggerson's wounds are slight."

Sometimes groups of runaways would gather in some natural fastness and live for years in freedom. Thousands in the West Indies, particularly in Jamaica, flocked to the mountain defiles and with rude political and military organization held sway over wide areas. The colonial governments, despairing of any subjugation, would at times negotiate a *modus*

vivendi with these maroons. On the continent, the Seminole Indians gave refuge to hundreds of runaway negroes, and swamp fastnesses in the Great Dismal or the Okefenokee or on the Savannah River or the Chattahoochee, the Mobile or the Mississippi gave havens where the fugitives could rally on their own initiative. An item from the *Charleston Observer*, July 21, 1827, relates an incident at such a rendezvous:

"A nest of runaway negroes were lately discovered in the fork of the Alabama and Tombeckbee rivers, and broken up, after a smart skirmish by a party from Mobile county. Three of the negroes were killed, several taken and a few escaped. They had two cabins and were about to build a fort. Some of them had been runaway for years, and had committed many depredations on the neighboring plantations."

Outrages and Lynch Law.

The doings of negro desperadoes are illustrated from the following account of a lynch law execution published in the Gallatin (Miss.) *Signal*, Feb. 27, 1843, and reprinted in the *Louisiana Courier*, New Orleans, March 1:

"NEGRO OUTRAGES. In the last number of our paper, we gave an imperfect account of the summary punishment of two negro men, belonging to a Mr. Burnly, of this county, who were hung according to a statute of Judge Lynch, in such cases made and provided. We have since learned the particulars of the circumstances which led to their execution; and the more we reflect upon them, the more we are inclined to justify almost any step calculated to punish them severely for such a revolting outrage as they themselves acknowledged was committed by them. It appears that they went to the house of Mr. N. during his absence, and ordered his wife to get them some liquor. On her refusing to do so, they cursed her in a most blasphemous manner and threatened her with death if she did not obey. After having got the liquor, they called for some hot coffee and cold victuals, which she told them they should have if they would not harm her and her children, which they promised to do. But after this, they forcibly took from her arms the infant babe and rudely throwing it upon the floor, they threw her down, and while one of them accomplished the fiendish design of a ravisher, the other pointing the muzzle of a loaded gun to her head, said he would blow out her brains if she resisted or made any noise.

"They afterwards took quilts and blankets from the beds, broke open the trunks and drawers, and taking their contents, which consisted of

forty dollars in specie and a quantity of clothing all of which they carefully put in the quilts and blankets, they even took the shoes from the feet of Mrs. N. and placing the whole of the plunder on the back of a horse which they had brought with them for the purpose, they made off.

"We obtained these particulars from a gentleman of the highest respectability. He questioned the negroes on the subject, a few hours previous to their execution, and also interrogated Mrs. N. in a similar manner, and her answers agreed in every essential particular with the statement made by the negroes. What aggravates this affair is the fact that the unfortunate woman had but six weeks previous recovered from child-bed, and her body is bruised and much hurt from the rough treatment she received while in the hands of the negroes, the prints of whose fingers were visible on her neck. We have ever been, and now are, opposed to any kind of punishment being administered under the statutes of Judge Lynch; but when we reflect upon what must be the feelings of the husband and father, and the deep anguish which must pervade the bosom of the injured wife and outraged mother, a due regard for candor and the preservation of all that is held most sacred and all that is most dear to man, in the domestic circles of life, impells us to acknowledge the fact, that if the perpetrators of this excessively revolting crime had been burned alive, as was first decreed, their fate would have been too good for such diabolical and inhuman wretches."

Stolen Slaves.

Some of the slaves were not lost or strayed but stolen. The *Athenian*, of Athens, Ga., Aug. 19, 1828, related that "On July 23, a negro fellow belonging to Henry B. Thompson, of Taliaferro county, was met in the road while on his way to work by two waggoners with their waggon, who promised a treat to him if he would assist in moving a part of their loading; after he got in he was seized by the throat and confined, and one staid in the waggon for the purpose of keeping him quiet while the other drove." But the negro preferred his old master to the new, and while his captors slept in camp that night he cut the thong that bound him and returned home.

When the slave to be stolen connived at the theft, as he frequently did in response to false promises by the thief, the stealing was easily accomplished. The slave could be carried off through the woods or by wagon or river boat or coasting vessel, and sold

to some unsuspecting purchaser a hundred miles away, and the master might advertise over the whole countryside for his slave as a runaway and perhaps never gain trace of him; for the negro even if he declared he had been stolen would probably be disbelieved, particularly if he were being offered at a bargain to some not over scrupulous employer in need of an extra workman. Numerous cases are reported where stolen slaves were packed in boxes or barrels for transportation by common carriers, whether steamboats or railroads. The following news item from Richmond, Va., was printed in the *Daily Delta* of New Orleans, May 7, 1849:

"Early yesterday morning a negro drayman carried to the office of Adams & Co.'s Express, two large square boxes addressed to 'Williamson, No.——, Buttonwood Street, Philadelphia.' On being interrogated as to whence they came, the negro showed some confusion. Still the boxes were placed on the Express wagon and transported to the cars. As the driver of the wagon turned one of the boxes over rather roughly, he heard a sort of grunt, which proceeded from it. Suspicion was aroused, the boxes opened, and each one found to contain a stout negro, carefully folded up, with a small quantity of bread and a bladder of water, and one of them with a fan—a useful article in his warm situation. On examining the boxes, a large auger-hole was observed in each box, partially concealed by a stout rope knot, which could be withdrawn while in the cars, and allow the entrance of air. The negroes we hear, belonged, one to Mrs. C. Christian, of New Kent, the other to Mr. Govan's estate, and were employed as waiters, one at the Washington and the other at the Columbian Hotel. Their story is, that they had been prepared for transportation by Mr. S. A. Smith, who keeps a small shoe store on Broad street, in Mr. James Lyons' new buildings, and that they had paid him well (some 60 dollars each) for the job. This Smith formerly kept a shoe store at the sign of the 'Red Boot,' opposite the Old Market, and has also been a lottery-vendor. We hear that some years ago he was intimate with Blevins, the great negro-kidnapper (now in the penitentiary) and that on the trial of the latter, a letter to, or from, the same 'P. Williamson,' Philadelphia, was read in evidence."

Negro-stealers were of course no respectors of persons. A free negro could be kidnapped and sold into slavery as easily as a genuine slave—more easily in fact, because in a country controlled by white men's interests he had no master with an interest

in him to safeguard. The following is from the New Orleans *Daily Tropic* of Jan. 13, 1846:

"A CASE OF KIDNAPPING.—The Raleigh (N. C.) *Star*, notices the taking off of a little son of a poor blind free negro, in that vicinity, under such circumstances as to justify the suspicion that he was stolen to enslave him. A strange young man came to the house of the negro, and under pretence of desiring to find the way to a neighboring shop, took the boy behind him to shew him the road—since then neither of them have been heard of. The boy is a dark mulatto, eight years old, spare made, and is named Nelson Dudley Richardson. The young man who took him off was represented to be tall and slim, and between 21 and 25 years old."

Gangs of Kidnappers.

In a few cases there were organized gangs of slave stealers operating upon a large scale. A group led by John Washburn spent most of a decade, from 1827 until 1837, when their ringleader was hanged, in robbing river boats and mail coaches, picking pockets, rifling stores, murdering wayfarers, and stealing slaves. In 1820 they stole six negroes in one batch and peddled them out among the Louisiana planters for $4,600. A greater and more notorious gang was that under John A. Murrell, operating also in the Southwest, mainly between Memphis and New Orleans. Murrell had scores of accomplices, some of them apparently industrious farmers, others outright desperadoes, and he kept the whole region more or less terror-stricken for some years before his final capture by Virgil A. Stewart, in 1835. The Murrell gang followed all the usual activities of desperadoes, but their favorite work was the seducing of slaves. Their most successful plan, and one which they carried out in a large number of cases, was for the thief to connive with a slave and promise if the negro would run with him and allow himself to be sold and then run away from the purchaser and meet his supposititious friend at a rendezvous agreed upon the thievish friend would then give him papers

of freedom or help him to reach the free states. Sometimes the gang would sell a deluded negro three or four times in as many neighborhoods, and finally kill him to prevent his peaching on them. It was often a very inconvenient characteristic of slave property, accordingly, that such property could and did give aid in getting itself stolen.

Slave Conspiracies and Revolts.

The liability of slaves to run away or to be stolen concerned their several masters only. Their liability to conspire and rise in insurrection, however, was a vital concern of the whole community in which they dwelt. On the continent of North America, it is true, the number of actual slave revolts was small, and each of those which occurred was quickly repressed. In the Spanish, French and British West Indies, on the other hand, there were numerous open attempts at revolt; there were constantly forces of rebel slaves living in the mountain fastnesses of Jamaica and San Domingo; and in the one case of Toussaint L'Ouverture's rising, the negro rebellion shattered the European control, expelled or massacred the whites, and established an independent negro state. News of all these occurrences was widely published and read in the slave-holding communities on the continent, and when added to the rumors of plots at home, was enough to foster from time to time a very serious anxiety.

The series of plots and rumors of plots for servile revolt on the continent extends through the whole period from the bringing of the blacks to America to the final destruction of slavery. There was a plot in Virginia, for example, in 1664, shared in by black and white bondmen, when the total negro population of the colony numbered hardly more than a thousand souls. In New York City there was a

frenzy of fright in 1721 and again in 1741 at the report of negro conspiracies for rising and burning the city. Each of these alleged plots in New York was repressed with extreme severity, on the flimsiest of evidence. Severity of punishment was a fixed policy in servile conspiracy cases in all quarters; but the trials at law were usually far more adeqate and even-tempered than in these New York instances.

In the colonies and states of denser black populations conspiracies were correspondingly early, and were more numerous and perhaps more disquieting than in Virginia and New York.

The preaching of the "rights of man" in the period of the American Revolution tended to stimulate longings for freedom; but the armies of the master class were mobilized in the period and the prospect poor for success in servile risings. The French revolutionists, fifteen years later, were more ecstatic in praise of liberty, and their preachings spread from the French colonies to the United States along with the slaves whom refugeeing masters carried from Hayti to new homes in and about New Orleans, Charleston, Norfolk and Richmond. At or near each of these cities, as well as elsewhere, there were serious commotions within the eight years following the Haytien exodus of 1792. At Pointe Coupée, Louisiana, for example, in 1796 a plot was discovered of so alarming a nature that although a dozen negroes were hanged for it at the time, the whole community lived in dread and slept on its arms, so to speak, for years afterward.

The most important conspiracy of this period was that matured by the negro Gabriel, with its focus at Richmond in 1800. A thousand blacks and mulattoes were ready to rise at a signal, and the signal was given on scheduled time. The revolt occurred in terror-striking proportions, and the city would have

been doomed had not a great freshet made the rivers impassible and delayed the insurgent march upon Richmond until the militia was organized and ready to oppose Gabriel's pikes with commonwealth bullets and bayonets. Gabriel's army scattered, the leaders were captured and executed, but the fright they had given was long fresh in the Virginian memories. A further source of disturbance was noted by John Randolph as early as 1811, when he said that the impetus given by the French revolution was being sustained and refreshed by emissaries from New England preaching disaffection among the southern negroes, and that in consequence the whole South was living in a state of insecurity.

The next series of plots was in the period from 1816 to 1822, when the whites had relaxed from the tension of the foreign war. George Boxley, a white man, organized a more or less definite negro plot at Fredericksburg, Va., in 1816, which was betrayed before its maturity and repressed by hangings. A similar occurrence in the same year at Camden, S. C., was similarly punished, and others at Charleston in 1818 and at Augusta in 1819. Then came the great Denmark Vesey plot in Charleston in 1822, widely spread and well organized, but betrayed before its outbreak. After a large number of trials before a special tribunal Vesey and thirty-four of his fellows were hanged, and a number of others transported from the state. Police regulations were then stiffened in the locality and no further plots were rumored there for many years.

The next series of negro commotions began in 1831, and was attributed to incitement by the northern abolitionists, whether through pamphlets and newspapers or through word of mouth. The only matured plot at this time was that organized by the negro preacher Nat Turner, which broke out in

Southampton county, Virginia, and caused the death of about sixty white persons before it was suppressed. About the same time the discovery of plots, whether real or supposititious, was reported from localities in North Carolina, Georgia, Mississippi, Louisiana and Kentucky. The wildest rumors flew, and at numerous places the greatest excitement prevailed. In 1832 Professor Dew published his epoch-making essay upon the existing régime as regards negro slavery, and scouted the possibility of any general uprising of the negroes. This promoted the return of confidence and sobriety. There were sporadic reports of plots,—three for example in Louisiana in the early forties; in West Feliciana parish in 1841, at Donaldsonville in 1843, and in Plaquemines parish in 1845,—all of which were considered genuine and serious in the localities, but none of which matured or resulted in disaster to the whites. About 1855 and again more notably in 1860, rumors of plots were rife in the newspapers, and many citizens, it seems, were growing to apprehend a general rising. On the other hand, the complete failure of John Brown's dramatic attempt to incite the slave masses justified a sense of security in the minds of conservative men. A great number of southerners at all times held the firm belief that the negro population was so docile, so little cohesive, and in the main so friendly toward the whites and so contented that a disastrous insurrection by them would be impossible. But on the whole there was much greater anxiety abroad in the land than the historians have told of, and its influence in shaping southern policy was much greater than they have appreciated.

Free Negroes and Mulattoes.

The southern attitude toward "free persons of color" was shaped largely by considerations regard-

ing the possibility of negro conspiracies. Negroes and mulattoes who were not slaves could not be restricted effectively in their reading and conversation, and by many they were thought to offer a dangerous medium of communication between the abolitionist agitators and the negro slaves. Many men of the South thought of themselves and their neighbors as living above a loaded mine, in which the negro slaves were the powder, the abolitionists the spark, and the free negroes the fuse. Free mulattoes were still more dreaded than free negroes, because generally they were more intelligent and perhaps had a more acute sense of injustice and grievance under the prevailing régime.

The official policy of the slaveholding states and cities, therefore, tended to restrict and if possible diminish the number of free colored persons, and to restrict the degree of liberty enjoyed by them. Accordingly, the plan of African colonization for that class of people was welcomed in the South when it was proposed in 1816; and branches of the colonization society spread rapidly in most of the southern states. But that movement never had more than a fleeting success. A few years' debate and experience showed that its task was impossible and that its supporters were in two wings with irreconcilable purposes. The anti-slavery wing wished to use the society for promoting emancipation, while the prevailing southern policy was to reduce the social danger from free persons of color by the double method of colonizing the existing stock and preventing its replenishment through emancipation. After the rise of the abolition agitation in its radical and aggressive form, say in 1831, the South abandoned its hope of substantial relief through colonization, and grew indifferent to the fate of the Liberian scheme. A sprinkling of idealists, mainly in the border states

but including prominently John McDonogh of New Orleans, furnished the only exception to the general southern loss of confidence in the colonization plan, originally considered so promising as a solution.

The private attitude of a great number of persons toward free negroes differed radically from the official attitude. Men whose main concern was with industry and commerce and not with police were disposed to judge other men more upon their industrial ability and worth than upon their color or their legal status. In the eyes of business men, many free persons of color were esteemed as doing good work for reasonable pay and thereby promoting the general prosperity, while others who were sluggards were as such held in disesteem. The personal equation and the questions of industry, sagacity and integrity were the controlling factors in private relations, and private relations of course reacted upon public policy. In consequence much of the legislation unfriendly to free persons of color was annulled through default of public sanction. Immigrant free negroes, however, were usually dealt with strictly in accordance with the official policy of exclusion and repression. They were dreaded as being probably breeders of plots. In some of the cities, furthermore, the free persons of color in the crafts were repressed by regulations established through the influence of the white artisans who wished to monopolize the local opportunity. On the whole the free persons of color in the South were something less than free. By law they must usually have guardians; generally, though not everywhere, they were deprived of the suffrage franchise; in some instances, their industrial opportunity was restricted; at times special taxes were imposed upon them, and official policy was generally directed toward making their lot uncomfortable. But nearly all these state-

ments are equally true of the northern states in the ante-bellum period, and the industrial opportunity for this oppressed class was poorer in the North than in the South. The relative degree of friendliness toward the free persons of color locally may be gathered in part from the census returns; in 1860 Maryland had 83,942 free colored in its population, Virginia 53,042, and North Carolina 36,473, as compared with 56,949 in Pennsylvania, 49,005 in New York, 36,673 in Ohio, 28,318 in New Jersey, 9,602 in Massachusetts, etc. The so-called slave state of Maryland in 1860 contained nearly as many free colored persons as it did slaves, and Delaware had only 1,798 slaves compared with 22,794 free colored. In the lower south the numbers of free colored were very much smaller, except in Louisiana, where they amounted to 18,647 in 1860, and had reached the number 25,507 in 1840, in a period when regulations affecting them had been lax or unenforced. A great many of the free colored persons were much better off in the matter of property than has generally been supposed; whether by earnings of their own or by bequests from their former masters, many of these persons possessed thousands and even tens of thousands of dollars worth of property, often including therein negro slaves.

A statement previously made regarding the adjustments between slaves and masters applies equally to the relations of free persons of color and their white neighbors: conditions varied widely from place to place and from person to person; local laws were diverse and changeable, and custom, more powerful than the laws, was vastly more varied than the legislation.

Conclusion.

In the two centuries and more of industrial slaveholding in English America, most of the negroes had

improved greatly in civilization, the races had grown mutually much better acquainted, and many changes of detail had been made in race relations. No panacea, however, could be found for some of the great social ills, no solution for some of the pressing problems. In particular, no satisfactory adjustment could be found for the class of specially progressive negroes and mulattoes for whom slave status was obviously a misfit. Racial adjustments in the South, of course, never reached a state of complete equilibrium. The progress of conservative readjustments was interrupted by the clash of war, the victory of the radical North, and the overthrow of the whole established South racial policy. To mention these occurrences is to end our theme of ante-bellum adjustments.

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CHAPTER IV.

THE SOUTH IN FOREIGN AFFAIRS INDEPENDENT OF THE FEDERAL GOVERNMENT.

WHEN independence was declared the South and West (Kentucky and Tennessee) were determined to secure the right to navigate the Mississippi River. The story of how they kept the national government from surrendering this right at the suggestion of Jay and later forced it to secure the right through diplomacy is treated elsewhere in this volume. While this struggle was on Georgia laid claim to the country about Natchez, then held by Spain, and attempted to establish her

authority in the newly erected county of Bourbon. This so enraged the Spanish that it was made the subject of diplomatic complaint. Georgia yielded for a time, but the territory was acquired when the Mississippi was opened.

The United States claimed West Florida as a part of Louisiana, but did not attempt to take possession until a "revolution" had been worked up there by Mississippians and others who declared their independence in 1810 and then offered the country to their home government. The Federal government paid no attention to the revolutionists, but immediately took possession of the country. The revolutionists, under the leadership of Reuben Kemper, then proceeded against Mobile, but were unable to capture it. Some of them were tried before Judge Toulmin for violating our neutrality laws, but the prosecutions did not meet with favor at Washington. The following year Amelia Island in East Florida was seized by citizens of the United States who had gone over there from Georgia in a body, but it was restored to Spain in 1813.

The Annexation of Texas.

Many historians have made much of the annexation of Texas as a wanton aggression of the slave power. That the immediate object of the annexationists in the United States in the forties was to secure more territory for slavery is admitted by all. But annexation then was only a final consummation of a work begun years before, which had no more than an incidental connection with slavery. After a century of opportunity to colonize Texas the incapacity of the Spanish to accomplish this was clearly manifest. It was decreed of destiny and due to the land lust of the Anglo-Saxon that the Americans in

the southwest should wrest this fair land from the blighting touch of Latin civilization.

The first organized expedition on record is that of Nolan, who procured a passport from the governor of Louisiana as early as 1797 to go to Texas, ostensibly to buy horses for a Louisiana regiment. He spied out the land on this trip, and in October, 1800, he set out from Natchez with a band of twenty-one men, apparently bent on a filibustering expedition. The authorities in Texas had been warned several years before to arrest him, should he appear in the country again, and his party was attacked near the present city of Waco, while returning from the River Brazos, where they had collected a number of horses. Nolan was killed and the most of his companions, eleven of whom were Americans, were captured. When brought to trial the judge ordered their release (1804), but the commandant objected and referred the matter to the King. In 1807 he made answer that one out of each five was to be chosen by lot and executed. Ten had been reported to the King, but one had died. The authorities decided to execute one and the lot fell upon Ephraim Blackburn, a Quaker. The others were sent to labor in the mines for ten years, where some of them were found by Pike in his wanderings. Only one, Ellis Beau, appears to have returned to tell the tale.

Spain had supposed that the transfer of Louisiana to France would interpose a barrier between her and the Americans, but, to her intense chagrin, she soon saw that barrier removed and her rivals extending their claims far to the west. After several aggressive diplomatic movements on the part of the United States and a military movement of the same nature on the part of Spain a neutral zone was finally agreed upon by General Wilkinson and Herrera, to be located between the Sabine and Arroyo Hondo.

Although far to the east of the line demanded by the United States and made by Wilkinson without authority, the agreement was allowed to stand.

This neutral zone proved a haven of refuge for turbulent spirits and consequently a good recruiting ground for schemes of adventure without approval of the Federal government. Here came Bernardo Gutierrez, who had fled from Mexico to the United States in 1811, and, together with Augustus Magee, who had resigned from the army to join the expedition, raised a band of one hundred and fifty-eight for the invasion of Mexico. According to the report of the Spanish commandant the inhabitants received them gladly. They soon had all east Texas in their possession.

Through the exertions of Magee recruits kept coming in until the company numbered nearly 800. They then marched to the Gaudalupe River and captured La Bahia with much booty. Here they were beseiged four months, during which time Magee, the real leader, died and was succeeded by Colonel Kemper. After receiving several hundred recruits, some of whom were Indians, they marched out and defeated the Spanish near San Antonio and captured the city with more spoils. Gutierrez had now assumed active command. By his order Salcedo, the Spanish governor, and his staff were started off to New Orleans on the pretext that they must be sent out of the province during the continuance of the war. Scarcely were they out of sight of San Antonio when Delgado, the commander of the guard, had them all beheaded. When he threw the responsibility for the deed on Gutierrez many of the Americans, disgusted with the people they had come to set free, returned to the states. The insurgents secured one more victory, but were utterly defeated in July and only ninety-three out of 850 Americans who had

joined the expedition ever got home. Of those not killed the royalists imprisoned 300 in a single house one August night and by the next morning eighteen were dead.

In June, 1819, an expedition set out from Natchez seventy-five strong in command of a merchant, James Long. At Nacogdoches it was raised to 300, and a provisional government was organized, Gutierrez being a member of the council, and Texas was declared independent. A land system was published which it was hoped would attract settlers and raise a revenue. While Long was seeking the co-operation of Lafitte, the Gulf pirate, the Spanish scattered his men. He then joined one of the insurgent leaders, by whom he was well received as the enemy of Spain, but, for some unexplained reason, he was afterwards shot. The release of his men was secured through Poinsett, the minister of the United States.

The gulf coast, especially Galveston Island, was the scene of several filibustering, not to say piratical, expeditions. A more legitimate one was that of the colony led out from New Orleans to the Trinity River in 1818 by Lallemand and Rigault, soldiers of Napoleon.

The filibustering expeditions may be said to have ended for a time with the gaining of Mexican independence. A good part of Texas, never thickly populated, had been devastated in the wars of subjection, and Americans now regarded it as subject to colonization, under Mexican authority. The first American to take up this business was Moses Austin.

Austin was a native of Connecticut, had been a merchant in Philadelphia and Richmond, and a lead miner in Virginia and Missouri. The transfer of Louisiana again brought him within the American fold. When the failure of the Bank of St. Louis swept away the fortune he had accumulated in the

lead mines he decided to try Texas. The general commandant, Arredondo, had issued orders that all foreigners, especially Americans, should be kept out of Texas, but Austin, who went there in 1820 on a preliminary trip, finally, through the intercession of a friend, secured a hearing for his petition for the privilege of leading thither a colony and this was granted.

Moses Austin returned to Missouri in 1821 and died soon after. His son, Stephen, at once took up the work of colonization according to a prior agreement with his father. The company of settlers reached the Brazos in December. This was the heyday of revolutions in Mexico, but Austin went to the capital, secured the confirmation of his grant from one government and when that fell got the approval of its successor. The colonists must be of steady habits, were to have a certain number of acres, and were to be or become Catholics.* The question of religion appears to have been compromised for the time being and Austin was authorized to organize and command the militia and administer justice in the colony. After a year's absence on this business he found his colony almost broken up by the failure of supplies, but he took hold of it with an undaunted spirit and soon had it in a flourishing condition. The responsibility for the government rested on his shoulders until 1828, during which time he was fully supported by the Mexican government.

Iturbide's law of colonization was superseded in 1828 by a law which reserved from colonization a strip ten leagues wide along the coast and twenty wide along the boundaries of adjacent nations, though Austin's men were subsequently allowed to

* Professor G. P. Garrison (*Texas*, 148), has shown that the statement made by Jay, *Review of the Mexican War*, and repeated by Burgess, *The Middle Period*, that Austin represented himself as the leader of a company or persecuted Catholics is without foundation.

settle along the coast. There was to be no tax on immigration for four years after the promulgation of the law and immigration was not to be forbidden before 1840, "unless imperious circumstances should require it, with respect to the inhabitants of a particular nation." Coahuila, Texas supplemented this with a law exempting colonists from taxation for ten years, except in case of invasion, and offering tempting baits of land to empresarios (undertakers or contractors).

Empresarios now flocked in and Texas was soon plastered over with grants. A good many colonists also moved in, but nothing like the number swarming in the imagination of the empresarios. Between 1820 and 1830 the population of Texas rose from 4,000 to 20,000, the greater part of whom were Americans. The estimates for the next five years are varied and confusing, but the Americans had probably risen to 30,000.

Several things, such as the repeated attempts of the United States to buy Texas and the so-called Fredonian war, in which an empresario attempted to set up an independent state in the region of Nacogdoches, aroused the fears of the Mexicans and several attempts were made to check the tide of immigration. In 1828 a law forbade Americans to colonize near the eastern border. The following year the dictator Guerrero abolished slavery after Congress had refused to pass such a law. The main object of this law seems to have been to check immigration, but, through the representations of Austin, Texas was exempted from its operation. The constitution of Coahuila-Texas forbade slavery, but the settlers evaded this by making contracts with their slaves as peons. A Congressional law of 1830 forbade the importation of slaves and the coming of colonists into the border states from adjacent nations.

In spite of these laws and of troops stationed on the frontiers Americans still filtered in, though the tide of immigration was materially checked. In 1832, during the absence of Austin, the Americans of his colony became involved in the tangled thread of revolutionary politics. The time during which the colonists were to be exempt from duties had expired and the Mexican government was trying to enforce its revenue laws. This fact, together with the arrest of William B. Travis and other prominent colonists, led to the explosion. The act of the Mexican government may have been legal; so were the acts of Parliament taxing the English colonies. To avoid the suspicion that they intended to transfer Texas to the United States the colonists declared for Santa Anna, who, in the hour of success, accepted this explanation. Some of the other colonists, notably De Witt's, asked to be considered neutral. These internal struggles of Mexico robbed Texas of its garrisons and again left it open to invasion by the Americans.

Santa Anna now had the goodwill, if not the full confidence, of the Americans and could have kept it by proper behavior, but he seems to have underestimated their value as supporters and their strength as enemies. The convention of 1832, in which all the municipalities except Bejar were represented, in positive terms disclaimed any intention of seeking independence and asked for the repeal of the eleventh article of the decree of 1830, which forbade American immigration, and also for a separate government from that of Coahuila, and for lands in aid of schools. But the seething condition of Mexican politics prevented the presentation of the petition at the time. In December, Bustamente was driven from power and Santa Anna assumed the leading place a few months later. Another convention was then

called which added to its former prayers one for a modification of the tariff. It also adopted a constitution for Texas, which was framed by a committee of which Sam Houston, a new arrival from the states. was chairman.

This petition and the constitution Stephen F. Austin carried to Mexico at his own expense. After laboring six months, meeting with delays and imprisonment, he finally secured a promise from Santa Anna to repeal the prohibition on immigration, but that official refused to consider the separation of Texas from Coahuila and ordered 4,000 men to be sent to Bejar to protect the frontier. This was in the latter part of 1834, but it was not until the summer of 1835, when it seemed that his conservatism might be useful to Santa Anna, that Austin was allowed to return to Texas.

Meantime Santa Anna was carrying out his centralizing policy and robbing the Texans of their local self-government. Space will not allow even a recital of the acts of oppression and treachery to which the Texans were subjected. These acts aroused the sympathies of Americans beyond the border still more and they now flocked to Texas as individuals and in regularly organized military companies. Ex-President Adams declared that Arkansas and Tennessee were the chief seats of the "conspiracy" to wrest Texas from Mexico, but the other southern states were not far behind, and substantial sympathy came from some of the free states. Individuals came from beyond the Ohio, and Cincinnati became a regular shipping point for "hollow wares." The city of Mobile sent $2,000 in money and a company of men, the "Mobile Grays," under Captain McManeman. A mass meeting in Montgomery expressed sympathy with the cause and a company of forty-two men was raised in the vicinity. Captain

Jack Shackleford gave up his position in the public land office to command a company of sixty-two raised in Lawrence county. The last named, the "Red Rovers," served under Fannin, who is said not to have a dozen Texans in his entire command. A Mississippi paper reported the passing of two hundred with fifes playing and drums beating, to be followed by three hundred more, "all from old Kentucky." When the Mexican minister complained of this as a violation of our neutrality laws the district attorney said that they were "emigrants" and that he had seen nothing to justify proceedings against them. However, he admitted that a company commanded by Felix Houston had aroused suspicions, but said that every effort to secure a warrant had failed. Deserters from our army enlisted under the banner of Texas while still wearing the American uniform.

Texan agents also came into the United States seeking recruits and penetrated as far as Tennessee. Natchez and New Orleans were regular recruiting grounds. The Mexican minister complained that a flotilla of seven vessels was fitted out at Natchez, completed its preparations at New Orleans, and departed unhindered with many hundreds of volunteers.

Some in Texas favored independence, some opposed. The barbarities of the Mexicans in shooting down Fannin's men after they had surrendered as prisoners of war, and of butchering Travis's heroic band in the Alamo left open no course but that of abandoning the country or declaring independence. There never was any thought of the former and the latter was adopted March 2, 1836. Of the signers of the Declaration, more than fifty in number, only three were of Mexican birth, and there were not more than half a dozen who were not natives of the South. In the latter part of the same year the ques-

tion of annexation to the United States was submitted to the popular vote, the result being 3,279 for to 93 against.

To represent the colonization of Texas as a cold-blooded scheme of the slave power from beginning to end is to misread the facts of history. It was as inevitable as the settlement of Iowa, and even more inevitable than the colonization of Oregon. The work was done mainly by southern people, who held slaves, and naturally they carried their institutions with them, though led by one who seems not to have looked with favor on slavery. It is easy enough now to see that they were wrong in doing so, but we have had some advantages that were not open to them. Whether this wrong was of less consequence than the saving of an empire to Anglo-Saxon civilization must be left to the verdict of history. As for annexation, the fact that such a man as John Quincy Adams was an ardent advocate of annexation before the question was complicated by the slavery issue is one of the things which leads to the conclusion that annexation would have been accomplished with far less internal discord, if not at an earlier date, had the question of expansion not been mixed up with that of slavery.

The Annexation of Cuba.

The annexation of Cuba has been an open question in American politics for nearly a century. In the decade before the War of Secession it became one of first consideration in the southern slave-holding states. Naturally, then, when Narciso Lopez, a graduate in South American revolutionary politics, fled to the United States in 1849 and represented Cuba as a ripe apple ready for plucking, he met with a warm reception in certain quarters. When he reached Washington John C. Calhoun was the first to call on

him and he also introduced him to other southern senators. He was then an ardent friend of Lopez's scheme to revolutionize Cuba from the United States as a basis, but later his enthusiasm cooled in proportion as our own political pot boiled the hotter from the fires of the Wilmot Proviso.

Funds for the project were raised by the sale of Cuban bonds signed by Lopez, "chief of the patriotic junta," etc., etc. The command of the expedition was offered to Senator Jefferson Davis, who declined it as inconsistent with his duties as a senator, but, strangely enough, suggested Major Robert E. Lee, then an officer in the army. The latter also declined it for the same reason, and then Lopez undertook the expedition himself. This he attempted to start from New York, but was prevented by President Taylor.

Lopez next turned to Gen. John A. Quitman, governor of Mississippi, to whom he made a stirring appeal, backed by letters of sympathy from men in high station. Quitman wavered for a time, but finally declined to take the leadership because he did not wish to desert his own state at a time when a collision with the Federal government seemed imminent, and because he thought that the Cubans should strike the first blow. Again Lopez took personal command. The expedition, in which several members of prominent American families took part, set out from New Orleans May 7, 1850, and landed at Cardenas. The Spanish were expecting them and drove them back to their ship and then chased them into Key West. Here a pretense was made of trying Lopez, but he was acquitted. However, his volunteers were dispersed by the judicial proceedings. Prosecutions were then begun in New Orleans against Gen. John Henderson and Governor Quitman for violation of our neutrality laws, but the jury failed to agree in

Henderson's case and the prosecutions were dropped. Quitman had resigned his office to prevent its degradation by his arrest.

With undiminished enthusiasm Lopez set about gathering a third expedition. A public meeting was held in Montgomery to raise supplies and troops and was addressed by prominent men. Sixty volunteered, but, fortunately never got any farther than New Orleans. Tempting baits were held out to lure the adventurous. It was said that the whole island was seething with the spirit of revolt and that even many of the Spanish soldiers could be counted on. Common soldiers were to receive $5,000 at the end of the year and officers were to be rewarded with sugar or coffee plantations and slaves. The result was more volunteers than could be transported.

The third expedition left New Orleans Aug. 3, 1851, in the steamer *Pampero,* with five hundred men, mostly adventurous youths. On landing Lopez struck out for the interior with three hundred men to gather an army of patriots, but, after marching and fighting for three weeks, he gathered only six. Such of the adventurers as had not died or been killed were captured. Lopez was garroted. Col. W. L. Crittenden, a graduate of West Point, and a nephew of the attorney general, was shot and a number of others suffered a like fate. Some were set free and others were sent to the mines of Spain, but were released after seven years.

Meetings expressive of sympathy for Cuba were held in the South and as far north as Cincinnati, Pittsburg and New York. A mob in New Orleans broke into the office of the Spanish consul and insulted the Spanish flag. This gave the State Department something to do, but there were no more filibustering expeditions to Cuba until a real revolution was under headway in 1868.

One other series of filibustering expeditions must be noticed, though it is impossible to give them here the space they deserve.

William Walker, prince of modern filibusters, was born in Nashville, was educated there and in Philadelphia and Europe. By profession he was in turn physician, lawyer, journalist, and filibuster. His first expedition was against lower California, which he declared independent in 1853, but he was soon driven back across the border where he was tried and acquitted.

At that time the chronic state of revolution was particularly acute in Nicaragua. On May 4, 1855, after having submitted his plans to the officials, Walker set sail from California to fulfill a contract made by his agent with one of the contending factions by which he was to furnish three hundred immigrants "liable to military duty." For a time Walker served with President Rivas, but soon supplanted him and became president himself. It is hardly too much to say that his government was as legitimate as that of Napoleon III. He was the fifteenth president within six years and he held the office longer than any of his predecessors except two. He was supported mainly by foreigners, most of whom were Americans. They came from California, New Orleans, where he had a recruiting office, and New York. His records show that 2,843 men were enlisted from first to last. For the most part they belonged to the floating population to be found in all cities, but a number of representatives of good families joined their fortunes to those of the adventurer. A few had fought with distinction in the Mexican War or had seen service in Europe.

Walker's downfall was due to the hostility of Cornelius Vanderbilt, the head of the Transit Company, which Walker was trying to make fulfill its contract

WILLIAM WALKER.

to pay his government a stipulated sum every year. Through his relations with the Transit Company Walker had secured the support of Northern capital; with his downfall this support was withdrawn.

Some writers of history have treated this and the subsequent expeditions as a last despairing effort of the pro-slavery party to acquire more territory. There can be no doubt that Walker was a firm believer in slavery. He decreed its reëstablishment there after it had been abolished for thirty years. He was in constant communication with prominent men in the South, some of whom, among them Senator Soulé, visited him in Granada. It was from the South that he drew the most of his supplies. But it does not necessarily follow that men gave their money freely simply to increase the area of slave territory. They bought Nicaraguan bonds as a speculation, just as, many years later, they bought those of Cuba at a discount of 50 or 60 per cent.

But greater than Walker's interest in slavery was his love of adventure and his personal ambition. Nicaragua was a promising field for both. Might he not find here an empire such as Houston and his followers had wrested from Mexico? He dreamed of conquering and Americanizing all Central America, but nothing was further from his mind than the purpose of turning it over to his native land, as Houston had done in Texas. Then there was the possibility of a ship-canal through the heart of the country of his adoption. The control of this certainly was a prize worth fighting for.

If there is any doubt about Walker's main object, there can be none that the extension of slavery was not the chief motive force behind his followers. They were too heterogeneous in character to care for this. They came from all quarters of the world, though the most of them came from California and the

Southern states. One of these, a native of England, said to the writer that he cared nothing for slavery, but went there to help wipe out Spanish civilization and supplant it with a higher, and he is still of the opinion that this should be done.

But whatever may have been Walker's motive, the reëstablishment of slavery had touched a responsive chord in the South, and when he returned he was received with enthusiasm; in a few months he fitted out another expedition at New Orleans, and landed at Punta Arenas, but was captured by Commodore Paulding of the ship *Wabash,* and forced to return to the United States. President Buchanan ordered his release and in substance apologized for the action of Paulding, but this did not mollify the indignation of the South against the commodore.

Walker then made a triumphal journey from Washington to New Orleans. By invitation of the legislature of Alabama he spoke to the people on Nicaragua in the hall of the house of representatives. Several legislators and W. L. Yancey also addressed the audience and said that they considered his cause that of the South. The Southern Emigration Society was formed there and established branches in Mississippi, Georgia and South Carolina, and Soulé offered his influence to induce the Federal authorities to let Walker alone.

Backed by such enthusiasm Walker went to work to fit out another expedition, but was unable to reach the scene of his former enterprises before 1860, and even then his total force was only ninety men, but was captured by Captain Salmon, of the British vessel *Icarus,* and turned over to the Hondurans. A court martial, a tap of the drum while he was yet speaking, a volley of musketry, and William Walker, filibuster, was no more.

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PART IV.

THE SOUTH IN FEDERAL POLITICS.

Chapter I.

THE SOUTH IN THE WARS OF THE UNITED STATES, 1789-1860.

Introduction.

THE South, always imbued with the military spirit, has been a prominent and dominating force in all important wars of the United States, and consequently has played an active part in her territorial expansion. Imperialistic in her democratic views of the expansion of the republic, before the brief period of her history in which she sought to secede from the Union, she deserves the larger share of the credit for laying the foundations of its strength by vast acquisitions of territory the value of which was only dimly realized when the acquisitions were made. The success of her earliest demand during the Revolution for the Mississippi as a western boundary soon resulted in the acquisition of Louisiana reaching to the Rockies, which prevented an immediate war and made the United States a continental nation: gave a foothold on the gulf, increased the necessity of extending the southern shore line by the annexation of Florida—and the annexation of Texas, whose western wing pointed to the way for a

leap to the Pacific, where the acquisition of California furnished a normal complement to the Oregon territory. In the wars before 1860, the desire for territorial expansion was a prominent factor.

The Quasi War of 1798-1800.

Even in the Quasi War between France and the United States in 1798, in which prominent men of the South were active participants, the question of the future destiny of territory at the South was a problem of serious consideration. When France (in alliance with Spain) refused to receive the American minister, Charles C. Pinckney, of South Carolina, the secretary of war (James McHenry, of Maryland) recommended that Anglo-American forces should coöperate against Florida, Louisiana and South America with an understanding that the United States should hold New Orleans and all the territory east of the Mississippi. Pinckney suggested to the willing Hamilton that perhaps Spain, when she could no longer resist the demands of France for the surrender of Louisiana, would be inclined to cede it to the United States. Hamilton, who had long considered that the acquisition of Louisiana and Florida were essential to the permanency of the Union, declared that one object of the war should be to prevent France from securing these keys to the west.

The French, resenting the Jay treaty, and angry because the United States adopted a policy of neutrality and refused to continue the alliance of 1778, retaliated by seizing American vessels. When Pinckney was sent to remonstrate, they refused to receive him and even warned him to leave France. President Adams, still hoping to avoid the necessity of war, sent two additional envoys to join Pinckney in a last effort to arrive at a peaceful un-

derstanding: John Marshall, of Virginia, and Elbridge Gerry, of Massachusetts. When the French government refused to receive them officially, and sent an intimation that they must first furnish the Directory $250,000, Pinckney made the famous reply: "Millions for defense, but not one cent for tribute." Marshall returned deeply angered by the French demands.

The treatment of the commissioners created at Philadelphia a storm of indignation and patriotism which rapidly spread and in which the South heartily joined. The American black cockade was worn in Baltimore and Alexandria, as well as at Philadelphia and Boston. Sprigg, of Maryland, moved a resolution in the House to put the coast in a state of defense. At Baltimore vessels of war grew rapidly on the docks. The *Constitution,* constructed by David Stoddard at Baltimore, was the second cruiser launched. In Charleston money was collected to build forts and earthworks on the shores of the harbor. The people of Norfolk equipped the brig *Augusta,* which was placed in command of Samuel Barron. In July Stephen Decatur, a native of Maryland, set sail in the sloop-of-war *Delaware* and soon returned with the first prize captured from the French, a privateer of fourteen guns. His prompt action inspired confidence in the creation of a Federal navy, of which Benjamin Stoddard, of Maryland, became the first secretary, and of which the two Decaturs, and John Rodgers and Alexander Murray (also of Maryland), were among the first officers.

In many instances the Republicans of the South, in spite of their previous pro-French sympathies, coöperated with the Federalists in measures for defense. One factor which influenced many at the South to favor defensive measures was the appre-

hended danger of a servile insurrection which might result from an invasion of Southern coasts by the French commissary from the Caribbee Islands, with enfranchised negro soldiers from Guadaloupe. Congress promptly voted to authorize the President to enlist men and appoint officers for the provisional army, and appropriated $400,000 for the purchase of arms to be deposited at suitable points and sold to state governments for the use of the militia.

To provide against internal as well as external foes, Lloyd, of Maryland, offered in the Senate a bill which formed the basis for the famous alien and sedition acts which were so violently opposed by Jefferson and his followers.

In the selection of officers for the army, the South was well represented. Washington was appointed lieutenant-general and commander-in-chief. C. C. Pinckney was commissioned major-general, second to Hamilton, who had been his junior in the Revolution. When asked to complain, he replied in the true spirit: "Let us first disperse our enemies; we shall then have leisure to settle questions of rank." William Washington, the distinguished cavalry officer, was appointed brigadier. For the provisional army Henry Lee, of Virginia, was nominated major-general and William R. Davie, of North Carolina, and Governor Sevier, of Tennessee, were nominated brigadier-generals.

Though the army was not called into active service, the infant navy drove French privateers from American coasts and pursued them to the West Indies, where they made their rendezvous—especially at Guadaloupe and along the coasts of French San Domingo. The success of its work was, perhaps, partly due to the capture of Napoleon's fleet in the battle of the Nile. That the South deserves a large share of the credit for this success in seizing

French vessels may be indicated by the following names of the vessels in the second squadron which cruised in the vicinity of Porto Rico: The *Constellation,* the *Baltimore,* the *Norfolk,* the *Richmond* and the *Virginia.*

Happily, active war was averted—perhaps largely through the influence of Napoleon, who, returning from Egypt and the East, saved France from anarchy and ruin by dissolving the French assembly of representatives and by taking the government into his own hands. With him the three new joint envoys—Murray, of Maryland, Davie, of North Carolina, and Ellsworth, of Connecticut—negotiated a treaty with which Davie returned late in 1800 and which, although not entirely satisfactory to the Senate, probably paved the way for significant events whose beneficial influence on the development of the young nation cannot be estimated.

In the War of 1812.

In the War of 1812 which vindicated American dignity, equality and independence among the nationalities of the world, and promoted development of national unity and patriotism, the South had a conspicuous part. Though professedly undertaken chiefly to vindicate the rights of the maritime states which inconsistently opposed it, the war was precipitated and supported largely by the South and West (the child of the South), which, although they had no large maritime interests, desired especially to expand the territorial bounds of the young nation both at the North and at the South. In both the South and in the West (whose sympathies were then largely with the South), after the Revolution there had lingered against England a feeling of resentment and suspicion. Jay's treaty, which was negotiated to prevent war with England, was

strongly opposed, and after the acquisition of Louisiana from France, relations with England gradually drifted to a strained condition which finally resulted in what has been called an "unnecessary and unwise war."

In the origin and conduct of that war the purpose to annex Canada was a factor which deserves more prominence than it has been given. Thomas Jefferson, America's earliest expansionist, declared, in 1809, that Canada, as well as Cuba, was naturally a component part of the "extensive empire" for which the American Constitution was fitted, and would "become ours in the first war."

The spirit of Jefferson's declaration was present in the debates in Congress three years later, on the eve of the war, and found expression while the war was in progress. A large number of young men, whom the South elected to Congress at that time, had grown up since the Revolution and were independent of the traditions and sentiments of the older men, especially of New England, who at one time had been under the dominion of Great Britain. Clay, the rising statesman of Kentucky, advocating the spirit of military ardor and a vigorous resistance to British oppression which would terminate British influence over the Indians of the Northwest, favored a "territorial war" in which he declared that the militia of Kentucky alone could place Montreal and upper Canada at the feet of the United States. Many other leaders of the South, such as Robertson, of Louisiana, and Macon, of North Carolina, Richard M. Johnson, of Kentucky, and Grundy, of Tennessee, urged that Canada was "necessary to the peace and happiness of the nation." In his antagonism to England and in overcoming the peace party (represented by John Randolph in Virginia), Clay was also strongly supported by three leaders

from South Carolina: Calhoun, Cleves and Lowndes. Clay, as speaker of the House, was in a position not only to enforce his views but to lead a party of his own. Calhoun in his first speech in Congress defiantly declared that war was the only means of redress for wrongs, and the Clay party promptly directed affairs toward that end.

In the meantime public opinion at the South had expressed itself in favor of the policy of the leaders. The Virginia resolutions of December, 1811, had declared in unmistakable terms in favor of immediate war. Finally, President Madison, in a message complaining of English transgressions, recommended to Congress a declaration of war, and Calhoun promptly reported from the committee of foreign affairs a bill recognizing the existence of war. The declaration received the support of most of the senators and representatives from Maryland, Virginia and North Carolina, and the support of all from the other Southern states, including the newly admitted state of Louisiana. Of the seventy-nine votes in favor of the war, the South and West furnished forty-eight.

The military spirit rose rapidly. The militia were put on a war footing. The men of the trans-Alleghany West, eager to exercise their untried strength, waited eagerly for marching orders. Randolph was finally silenced. Only in New York and in New England, where members of Congress who voted for the war were offensively treated on their return and where the authorities refused to put their companies under United States officers, did the continual revolt against the war remain noticeable. At Baltimore the office of a newspaper, which had dared to continue its opposition to a war legally declared, was attacked by a mob and sacked. The leaders of the new Republic were too sanguine in their hope that

the war against England would unite the entire nation and strengthen the national spirit. They little understood and failed to estimate the narrow spirit in New York and in New England, where efforts were made to check enlistments and later to embarrass the finances of the government.

In the military operations and plans of the war, the prominence of the South in leaders and in enlistments is noticeable. After the surrender of Hull, who had been sent to Detroit at the beginning of the war to cut the British off from the West by an invasion of Canada, Kentucky, where military volunteers had already been organized under the stimulus of Clay's oratory, became a "complete scene of military parade and enthusiasm." Ten thousand men were soon hastening to the scene of hostilities to rally around the new commander, William Henry Harrison, a native Virginian of military instinct and knowledge who had recently defeated the forces of Tecumseh at Tippecanoe. While waiting for Harrison, a force under the chivalrous James Winchester, a rich old Tennessee planter, was badly defeated, January, 1813, in an attempt to relieve Frenchtown on the Raisin River. Weakened by this loss, Harrison found it necessary to delay his advance. Seeking a plan to enable the land forces to accomplish the original purpose of the administration, he proposed the coöperating fleet with which Perry won his brilliant victory on Lake Erie (September 10). At the close of September he landed at Malden and promptly pursued the fugitive army of Proctor who had abandoned Detroit; then ably assisted by his lieutenant, Richard M. Johnson, he won (October 5) a signal victory on the Thames, where Tecumseh was slain.

Though the campaign of Harrison relieved the situation in the Northwest, the later attempts to

carry the war across Lake Ontario and the St. Lawrence were not successful. Dearborn failed in the campaigns planned against Montreal and Niagara. The force with which he finally reached Plattsburg, refused to cross into foreign territory. The force which he sent to Niagara under Van Rensselaer at the head of the New York militia, and General Smith, of the regulars, was defeated at Queenstown on October 13. Prospects did not improve when Dearborn was succeeded by Wilkinson. Maj.-Gen. Wade Hampton, a high-strung, proud and sensitive, but capable, South Carolina planter, who was sent to command the army on the Champlain route, and to coöperate in a double movement against Montreal, and who despised the conceited and untrustworthy Wilkinson with all his ardent feeling, promptly responded to orders and marched his 4,000 men from Plattsburg to the dangerous position at Chateaugay to check the British; but after waiting in vain for Wilkinson he returned to Plattsburg without orders, went into winter quarters and resigned in the following March. Wilkinson, after his fruitless campaign, was tried by a court-martial, and with his usual good luck escaped well-merited punishment through a whitewashed report.

In the Northern operations of 1814 there was some improvement. Wilkinson was replaced by two major-generals, Jacob Brown and George Izard (of South Carolina). They were ably assisted by six new brigadiers, including Winfield Scott and Edmund P. Gaines, both of Virginia. Gaines, who had covered the retreat of the American forces at Chrysler's Field with his regiment, was later made major-general for his gallant conduct in the defense of Fort Erie. Scott won a signal victory at Chippewa in July, and practically won a victory at the murderous battle of Lundy's Lane three weeks

later. But in the end, after the spirited efforts and sacrifices, the Americans, after the arrival of fresh British troops, were obliged to abandon Fort Erie.

Jefferson continued to suggest to Madison and Monroe the possibility of acquiring Canada and of subsequent negotiations for the retention of all west of Lake Huron, or perhaps even all west of Montreal or the meridian of the Sorel (Richelieu) River. His views were accepted by Madison and by Monroe, who, as secretary of state, in 1814 instructed the ambassador to England in favor of the annexation of enough of Canada to prevent the British from continuing the control of the Lakes, by which they had gained an ascendency over the Indians of the hinterland, where he expected the immigrants soon to push the western limit of settlement to the "banks of the Michigan." After the war, which failed in its territorial purpose largely through the opposition of New England, the Virginia trinity—Jefferson, Madison and Monroe—who were the most powerful leaders at the South, in the negotiations for the adjustment of the questions between the United States and Great Britain, until about 1820 continued to favor the annexation of Canada as a measure calculated to secure permanent harmony between the two nations.

The work done by American seamen during the war stimulated American patriotism and awakened national pride in the achievements of the infant American navy against the British navy—the chief agency by which England had violated American rights. In this work the South was well represented. Commodore John Rodgers, who had commanded the *President* against the *Little Belt* in 1811, and had fired the first shot of the war, captured twenty-three prizes and assisted in the defense of Baltimore. His brother, George W. Rodgers,

who married the sister of Oliver Hazard Perry, for his services on the *Wasp* in the capture of the *Frolic,* received from Congress a vote of thanks and a silver medal. Captain Decatur, commander of the *United States,* defeated the British *Macedonian* off the Madeiras. The boy sailor, David G. Farragut, a native of Tennessee, who later fought so gallantly against the South, accompanied Porter on the cruise of the *Essex* around Cape Horn and in the Pacific—one of the most unique episodes of modern times—and was made prize master of one of the captured British whalers. From the port of Baltimore departed many of the fast sailing privateers which searched for British merchantmen and which, perhaps, helped to contribute more than the regular army to induce the British merchant classes to favor peace. After England began the severe blockade of American ports, these privateersmen continued their depredations in British waters.

During the war the South learned especially the need of naval bases in the gulf—and even began to appreciate the value of naval stations in the Mediterranean and in the distant Pacific, where Captain Porter of the *Essex,* while protecting American merchantmen and whaling interests during the war, had occupied Madison's Island in the Marquesas group. The logic of events pointed to the early acquisition of the entire gulf coast east of Louisiana. In 1813 the administration, which had already taken steps pointing toward the ultimate acquisition of all the Floridas whose control appeared necessary to the future security of the United States, and possibly fearing British designs upon the territory authorized Wilkinson under certain conditions to take possession of Mobile and Pensacola. The occupation of Mobile was promptly accomplished in the spring of 1813.

The operations at the South under Jackson, that picturesque character of the Southwestern frontier —the man full of initiative and recourses who never waited for precedents—present a marked contrast to the narrow spirit exhibited by state authorities in New England. In January, 1813, when he was ordered to Natchez with his brigade to await orders to reinforce Wilkinson at New Orleans in a contemplated movement against the Floridas, he informed the secretary of war that he was in command of over 2,000 volunteers who had "no conscientious scruples" against executing the will of the government or marching beyond the state limits; and later he offered to march to Canada to wipe off the stain from the American military character resulting from the recent disasters.

When the President found that Congress could not be induced to authorize the occupation of the territory east of Mobile, Jackson, though anxious to seize Pensacola and St. Augustine, was ordered to dismiss his troops. In the following year the massacre of two hundred and fifty whites at Fort Mims in August, 1813, by the Creeks, who had been aroused by the visit of Tecumseh two years before, gave him an opportunity to gather a new army and to participate in the closing events of the war. In the spring and summer of 1814 with a force of 5,000 men he fought the Creeks, and at Horseshoe Bend and other points, captured their chief, broke their power and compelled them to make a treaty ceding two-thirds of their vast territory. In May, 1814, he was made major-general in the regular army and given command of the Mobile-New Orleans district where the British were planning to strike. While he was waiting for an answer to his request for permission to drive the British out of Florida where, by Spanish permission, they had established a base

of operations, the British expedition which, after capturing Washington, had been successfully resisted in its attack on Baltimore, was ordered to Jamaica to coöperate with an expedition which had already been sent to the Gulf to drive the Americans from Louisiana and the Floridas, and to seize the mouths of the rivers which controlled the interests of the West. This expedition—a fleet of fifty vessels and an army of nearly 10,000 veterans—sailed from Jamaica on November 26, cast anchor off the Louisiana coast about December 10, and began to advance up the Mississippi on December 23.

Jackson, who, after spending the summer in subjugating the Creeks in Alabama, had lingered for awhile at Mobile, made an unauthorized expedition on his own responsibility against Pensacola, which he took by storm, and breathless from this punitive attack he hurriedly marched to New Orleans. Reaching the city on December 2, he recognized the emergency and promptly checked the British advance guard. While the latter waited for the main body of British, he wisely made preparations for the most brilliant land victory of the entire war. He fortified the city, threw up entrenchments five miles south of the city, obstructed the bayous, cut the levee in front and behind the advancing army, and on January 8, 1815, two weeks after the treaty of peace had been signed, with 6,000 men, he gave a quick, decisive exhibition of the marksmanship of the backwoods military school, losing only eight men while repulsing 12,000 of Wellington's Peninsular veterans under command of Pakenham—an achievement which made him the hero of the nation.

Possibly the news of the treaty of peace and the victory of Jackson saved the Union. In September, 1814, after the capture of Washington, Massachusetts had withdrawn her 70,000 militia from the

service of the United States and exchanged notes with Rhode Island, like an independent power, offering assurances of aid in case of invasion. The New England leaders, hoping to coerce Madison to terminate the war, had even threatened to secede, appropriating the principles of the Virginia and Kentucky resolutions which had proven to be so unpopular in 1798, and which both Virginia and Kentucky had discarded under the influence of a larger national spirit of patriotism. They had contemplated the overthrow of the government at Washington, the establishment of a New England confederacy, and possibly an alliance with Great Britain.

In the Mexican War.

In the war with Mexico, resulting from a series of complications, the South seized the lucky opportunity to induce the Union to secure a more logical boundary by the annexation of Mexican territory extending from Texas and the Rockies to the Pacific. The possibility of expansion to Mexico had been contemplated by Southern statesmen from the period of Jeffersonian Republicanism, and was revived under Jackson who, desiring San Francisco Bay, in 1835 attempted to negotiate for the acquisition of the territory north of 37° reaching westward to the Pacific. In 1842 Commander Thomasap Catesby Jones, of Virginia, acting without orders, had taken temporary possession of Monterey, California, with the purpose of holding it in case Mexico should wish to cede it to any other power or should be at war with the United States. In 1843, Waddy Thompson, of South Carolina, the American minister to Mexico, recommended application to Mexico for cession of both Texas and California.

The annexation of Texas—the immediate occasion of the breach of diplomatic relations and the

war with Mexico which followed—had been proposed two decades before it was secured. John Quincy Adams, who, under the changed conditions of later years, opposed both the annexation of Texas and the acquisition of California, in 1825 had directed, through Clay and Poinsett, the first negotiations for the reannexation of Texas, whose surrender to Spain in 1819 he had strongly opposed; and he boasted that he had been the first man to assert the claim of the United States to territory on the Pacific coast. Although willing to annex Texas by treaty without slavery, he declared that to annex territory by joint resolution was to dissolve the Union. With the increase of sectionalization, the pro-slavery leaders had become more anxious to include Texas in the Union, while the anti-slavery leaders had become more determined to exclude it. When the issue was squarely presented, however, the impulse of the expansion instinct overcame both the friction due to slavery and the fear of the threatenings of Mexico, who still pretended to continue her sovereignty over the territory. In spite of the opposition led by Clay at the South, and by Adams and others at the North, the result of the election of 1844 was interpreted as a popular approval of the policy of annexation—the principal issue which had dominated the discussion of the campaign. Annexation was soon completed by a joint resolution which passed the Senate by a vote of 27 to 25, and the House by a vote of 132 to 76. Mexico, consistent with the warnings which she had given, promptly severed diplomatic relations and began to prepare for the war which furnished the United States the lucky opportunity to extend its bounds beyond Texas to the coast of California.

Polk, going from Tennessee to become President, from the beginning of his administration contem-

plated the acquisition of California as one of the four prominent measures of his administration—either by peaceful means or by conquest in case Mexico should begin a war to resent the annexation of Texas. Considering the possibility of actual conflict with Mexico, on May 28, 1845, he ordered Taylor, of Louisiana, to advance into Texas and to occupy a convenient place "on or near the Rio Grande," and in June authorized the commander of the Pacific fleet to occupy San Francisco and other points in California at once in case of war. A few weeks later he wrote to Thomas O. Larkin, the American consul at Monterey, that the United States would receive the Californians whenever they might desire it if could be done without giving offense to Mexico. In November, 1845, he sent Slidell, of Louisiana, as envoy extraordinary to negotiate the purchase of the territory between the Rio Grande and the Pacific for a sum not exceeding $25,000,000. Early in January, 1846, anticipating the failure of negotiations, he ordered Taylor to advance from Corpus Christi to the Rio Grande.

With the olive branch in one hand and the sword in the other, in May, 1846, after receiving information that some of Taylor's scouts had been killed in a skirmish with a large body of Mexicans who had crossed to the Texas side of the Rio Grande, he announced that war existed by act of Mexico, and that his sole purpose was to conquer an honorable peace. At the South his policy was generally approved, though it was strongly opposed by Stephens, and later by Calhoun and many southern Whigs who feared to agitate the slavery question by the acquisition of extensive territory from Mexico, to which they doubted slavery could be extended. Some, however, as Butler, of South Carolina, while admitting that it was dangerous to "hold on," declared

that it was still more dangerous to "let go," and favored especially the acquisition of San Francisco, which was less intimately connected with the integrity of Mexico.

The South promptly responded to Polk's call for 50,000 troops, and an appropriation for $10,000,000, which the House approved by a vote of 174 to 14. With a population of only three-fifths that of the North, during the entire war it furnished over 45,000 volunteers while the North sent only 23,000. "In the war with Mexico, from Palo Alto to the taking of the capital city," says Dr. Curry, "in contributions of officers and men, in skill of command and gallantry of rank and file, the South cannot consent to be placed in an inferior position to any, however meritorious that may be assigned to the North."

The South furnished the larger part of the valiant force with which General Taylor advanced across the Rio Grande and occupied northern Mexico, and also the larger number of the military commanders who became known on account of marked service in the war. J. C. Fremont, born in Georgia of mixed French and Virginian parentage, in 1846 cleared Mexican troops from the northern part of California, relieving the American settlers who on July 4 declared California an independent republic. He became military commandant and civil governor of the territory in 1846, and about the beginning of 1847 concluded with Pico, near San Francisco, the articles of capitulation by which Mexico ceded possession to the United States. Jefferson Davis—who, after his graduation from West Point, had done frontier service in Illinois, Wisconsin and Indian Territory—resigned his seat in the House (to which he had been recently elected) to accept the command of the Mississippi rifles, and departed to join

Winfield Scott

Taylor on the scene of active hostilities in northern Mexico. There he was promptly assigned to Quitman's brigade, which was chosen for the advance movement toward the heavily fortified city of Monterey, where they made a stubborn and irresistible charge carrying everything before them. After an armistice of several weeks they made the famous stand on the broken plains of Buena Vista—which saved the day for Taylor against Santa Anna's army of 12,000, ended military operations in northern Mexico, and subsequently helped to win for Taylor the presidency. Though Taylor lacked initiative and failed to push advantages once gained, and was reckless in the disposition of his troops, he proved himself an obedient soldier and a good fighter.

In the meantime General Kearney with an army composed principally of Missourians was marching from Fort Leavenworth for Upper California, by way of Santa Fe. A. W. Doniphan (a native of Kentucky and later a resident of Missouri), with 1,000 men detached from the expedition of Kearney after the capture of Santa Fe, advanced southward and made a brilliant record by the capture of Chihuahua after an unexpected encounter with an army of 4,000 men.

General Winfield Scott, of Virginia, who had distinguished himself in the war of 1812, commanded the army which, with dogged valor and alert sagacity, marched from Vera Cruz to the Mexican capital over the hard road made famous by Cortez over three centuries before, and with heroic courage and cool intelligence, and fighting against heavy odds, drove the spirited Mexicans from one position to another until, finally, the great fortress of Chapultepec was taken by storm and the city captured, terminating all further resistance. Brigadier-General

Pillow, of Tennessee, fought bravely at Vera Cruz, was severely wounded at Cerro Gordo, and became second in command to Scott before the battle of Cherubusco. Maj.-Gen. W. O. Butler, of Kentucky, who had gained distinction in the battles of Frenchtown, the River Raisin and New Orleans, in the War of 1812, and who had met with spirit the daring charge at Monterey, succeeded General Scott in command of the army in Mexico on February 18, 1848, and was in command when General Lane defeated Padre Jarauta and his guerilla forces, and thereafter until the treaty was ratified.

At the beginning of the war Polk had intended to continue the struggle only far enough to induce Mexico to concede a territorial indemnity, and it was only after the victories of Taylor that he resolved to push an army to the City of Mexico. Ready from the beginning of the war to negotiate a peace by acquisition of territory, in August, 1846, he had asked Congress for $2,000,000 to use as a purchase fund; but the bill, introduced by McKay, of North Carolina, in the House, gave rise to the Wilmot proviso and failed to come to a vote in the Senate. In December, he asked for $3,000,000 to assist probable negotiations for peace, and the amount was promptly voted, indicating an increasing desire to advance the boundaries to the Pacific; but the ominous debates furnished evidence of a growing hostility between North and South aroused by the agitation of the slavery question and threatening to dissolve the Union. Northern men declared that they would not permit additional slave states to enter the Union; and Calhoun said that the South might be expected to oppose the prosecution of the war for the acquisition of territory from which slavery would be excluded.

In April, 1847, as special agent to negotiate peace,

Polk appointed Nicholas P. Trist, of Virginia, who had studied law with Jefferson (whose grand-daughter he had married), who also had been private secretary to Jackson, and who under Polk had been appointed chief clerk of the state department in 1845. Trist was instructed to negotiate a boundary including New Mexico, California and Lower California, with authority to pay as high as $25,000,000 for New Mexico and California. After the news of the capture of Mexico the imperialist party of the South—especially strong in Virginia, South Carolina, Florida, Alabama and Mississippi—led by Davis and Walker, and supported by some older statesmen such as Benton, of the West, and Cass, of the North, was in favor of the annexation of "all Mexico" if necessary; and Walker afterwards said that but for Calhoun, Polk would have adopted this policy. The impulse of Southwestern expansion was greatly weakened, however, by the determined and increasingly outspoken opposition to any further acquisition of territory which might precipitate a dangerous crisis in connection with the slavery question. Trist, although recalled by Polk, remained in Mexico on his own responsibility, and was finally successful in negotiations which secured boundaries in conformity with his instructions. This treaty, though opposed by Houston and others who wished more territory than its provisions proposed, was ratified by the Senate on March 10, 1846, by a vote of 38 to 14. Thus the war closed.

Though for a while the wave of victory resulted in the fever of filibustering and exaggerated views of "manifest destiny," and was a factor in contributing to the political discord which had been increasing for a decade and which finally developed into a bitter quarrel of sections, the restless expansion impulse of the Southwest which, in spite of the

weakening influence of sectional divergence, carried the boundary and the government of the nation across the continent to the shores of the ocean of future destinies, has proven beyond all expectations beneficial to the American union and the interests of the American people.

Naturally, the South—which had controlled the policies of the United States for so many years with the coöperation of the West, and which, through its imperial political leaders still maintained a dominating influence in the government at Washington after the West (with its trade diverted from the Mississippi) became more and more firmly joined to the Northern East by bands of iron—continued to seek extension of territory as a basis of its political ascendency in the Union. If the slavery question could have been eliminated from American politics, she might have been able to extend the Union by the acquisition of Cuba, Hawaii, Lower California and a large part of Northern Mexico, which she desired to obtain for the protection of her institutions based on slavery.

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Chapter II.

THE SOUTH IN FEDERAL DIPLOMACY, 1789-1860.

WITH the adoption of the American constitution we find a Federal republic made up of states bounded north by the British province of Canada, south by Spanish Florida, east by the Atlantic ocean, and west practically by the Alleghany Mountains, although the claims of some states, ceded to the Confederation, covered much of the Ohio Basin west to the Mississippi River. American history prior to 1861 was made up on the one hand of the internal development of the Atlantic commonwealths, and on the other of additions of territory to the south and west, together with extinction of the Indian title so as to create western states. There were wars, and they had great influence, but it was in the way of development from within rather than through the infusion

of ideas or institutions from without. The weakness of the neighbors on the north and south, the distance of the foreign countries over the Atlantic, and the seclusion of the Orient across the Pacific, threw the Union on its own resources and secured the opportunity for growth.

The foundations of the Union were laid during the presidencies of Washington and Adams, in the face of northwestern and southern boundary disputes inherited from the Confederation. The affiliations of Washington were Federalist; Adams was professedly Federalist, and both leaned towards a strong government. This was probably fortunate for the country, even if a reaction came with Jefferson and continued under his Virginia successors, Madison and Monroe. Then the new West was growing, at first south of the Ohio, and a third period came when the personality of Andrew Jackson dominated the country. A new view of the Union sprang up and leadership was transferred beyond the Alleghanies. A fourth epoch was marked by the Mexican War, which opened new domestic problems, leading ultimately to disruption of the Union. But whether Federalist or Republican, Whig or Democrat, the majority of the leaders were from the South, and Southern influence appeared in foreign diplomacy as well as in domestic concerns.

Principles of Neutrality Established.

The foreign policy of the American Union was established during European disturbances which culminated in the Napoleonic wars, and one of the greatest benefits conferred upon this country was the firm establishment during Washington's presidency of the principles of neutrality. America was not interested in the wars which rent Europe except through her sympathy with France, to whom she

was bound by a treaty of alliance, and Washington was determined to keep America independent as the best safeguard for her own growth. Accordingly to Edmund Randolph of Virginia was deputed to draw up the Proclamation of Neutrality which was promulgated by the President in 1793. This paper is one of the milestones in the progress of civilization. Enforced with difficulty at home, ridiculed and disregarded abroad, it nevertheless declared principles which have won acquiescence, until British statesmen and authorities have declared that the proclamation represented the high water mark of international law. The document was rewritten in the time of Madison and enacted by Congress, and is now the law of the land; indeed, the law of the civilized world.

The foreign diplomacy of this troubled Federalist period was less brilliant, for such times of war give little opportunity for intercourse and treaty-making. Nevertheless there were two agreements made which had great results. The first was Jay's Treaty with England in 1794, which was bitterly attacked at the time but had the good result of securing the withdrawal of the British garrisons from Detroit and other western posts. The other treaty was that negotiated the next year with Spain by Thomas Pinckney, of South Carolina, late minister to England. Godoy, the favorite of the Spanish Queen and the virtual ruler of the country, found it expedient on account of the French Revolution so near at hand to avoid friction with America, and finally yielded the American contention as to the boundary of Florida. It is true that the carrying out of this treaty, was, with characteristic Spanish procrastination, delayed for three years, but in 1798 the Quaker Andrew Ellicott, by direction of President Adams, began conjointly with Spanish commissioners the de-

limitation of the line of 31° from the Mississippi eastwardly. This was a great stroke of diplomacy, for it brought the undisputed boundary of the United States within a few miles of the Gulf and made the Mississippi Territory, created in this year, the goal of adventurous spirits; nevertheless the development of this territory was to bring about new problems, which would concern both Louisiana and Florida.

Acquisition of Territory.

It seemed like the irony of fate that Thomas Jefferson, who came to the head of the government in opposition to the centralizing views of his great antagonist Hamilton, should take the step which more than any other stretched the powers granted by the constitution to the central government, and the remark of Cecil Rhodes that the American has essentially the same land-hunger as the Englishman, his older brother, now received its first proof. It is true that land-hunger is not confined to the Anglo-Saxon. It has existed in all strong and growing countries from the Assyrian Empire down to the German of our own day; but there seems to be a knack, if not a real genius, in the Anglo-Saxon for holding as well as acquiring territory, and developing rather than exploiting land gained by war or diplomacy. The Englishman is confined within his four seas and effected this result only by the enormous development of a commercial as well as a warlike marine, binding far-distant conquests and colonies to the mother country by a spider-web which covers the globe. The American has had an easier task in that his accretions have been mainly of neighboring territories, added foot by foot as he grew up to existing boundaries, and easier, too, in that he was often able to take advantage of the distress of his neighbors, sometimes caused un-

wittingly by the mother-country in Europe. The result has been the creation of a British Empire, wide scattered and liberty loving, on the one hand, an indivisible Federal republic, composed of indestructible states, on the other. In both cases it was the working out of the race tendency under different conditions. Neither branch of the race saw the goal, but Providence was directing, all unseen.

An attempt to adjust disputes with France was unsuccessful and was marked by the X. Y. Z. correspondence, her officials hinting that bribes would ease the negotiations. This led to the exclamation of minister Pinckney of South Carolina that there could be had "Millions for defence but not one cent for tribute!"

The kaleidoscopic changes in Europe had led, during the peace of Amiens, to the absorption by France of her old colony of Louisiana, forced from Spain in order to become a great colonial empire. Jefferson had lived long in France, loved its people, and knew the determination and power of Napoleon, but nevertheless felt that the Americans must own the territory to the mouth of the Mississippi. There must be no country in America, like Holland in Europe, intercepting the commerce of the greatest river of the continent. Whoever, he said, possesses the mouth of the Mississippi is our natural enemy, and when the plans of the French ruler revealed themselves he overcame his repugnance to England and declared, that, if Napoleon would not sell Louisiana, America must marry herself to the British navy and combat the modern Alexander. Fortunately this proved not necessary, for the peace became merely a truce between France and England, and Napoleon determined instead of selling New Orleans, as sought by American commissioners at Paris, to sell the whole province of Louisiana. By aiding the growth

of a transatlantic power, he said, he would in the end deliver a greater blow to his ancient enemy than by carrying out his original plan. And so on April 30, 1803, there was signed by James Monroe and R. R. Livingston for the United States the greatest treaty in American history after that which recognized independence. Napoleon ceded Louisiana with such boundaries as it should have under treaties which had been made since France originally possessed it.

Exactly what this meant no one knew, but it was the wording of the retrocession by Spain to France in 1800, and was now accepted. To Jefferson it meant a boundary on the east at the Perdido River; to the Spaniard a boundary at Bayou Manchac and the adjacent lakes. The astute Napoleon remarked that if there had not been an uncertainty in the description it might have been wise to make one; and he succeeded, for long-continued complications resulted. The limits on the west were hardly more definite, for they fluctuated in the minds of the diplomats interested between the Sabine and the Rio Grande; but all were apparently agreed that further north they did not extend beyond the Rocky Mountains. Be that as it may, the United States had reached the Gulf of Mexico on the south and had crossed the Mississippi to the Rockies on the west. The great river of North America flowed unvexed to the sea. And all this was accomplished by a statesman who did not wish to ruin the constitution by construction, and yet looked on it after all, not as an end in itself, but as a means of securing the welfare of his country.

War of 1812.

It was not left for Jefferson to avoid entirely the wars in Europe. The British claim to right of

search of neutral vessels and to forcible impressment of British seamen caused him and his successor sleepless nights. In 1807 the British ship *Leopard* forcibly exercised these rights on the *Chesapeake* of the American navy, and the country was aflame from end to end. Great Britain formally disclaimed this act, but the paper blockades soon declared by her on the one side and by Napoleon on the other, as a means crippling each other, led to even greater trouble. Jefferson's Embargo injured his own people as much as it did foreigners, and affairs gradually became worse and worse. Finally even the pacific Madison had to submit the situation to Congress, and the War of 1812 was the result.

This was perhaps inglorious for American armies on the Canadian border, although naval victories brought some lustre, and peace was welcomed. The Treaty of Ghent, signed on Christmas Eve, 1814, by James A. Bayard, Henry Clay, and other American commissioners, settled none of the questions which had led to the war, and related mainly to commissioners to run the northern boundary. But the suggestion of Bluntschli that a war is always a point of departure was never more truly illustrated.

Florida Purchase of 1819.

The Americans under Andrew Jackson had opened to white settlement much Indian territory in the south, occupied Pensacola and other Spanish ports, and by the successful battle of New Orleans acquired a self-confidence and prestige which was to dominate the future. The war had its echo later in Jackson's execution of two Englishmen, Arbuthnot, and Ambrister, for spurring on the Seminoles to war, but the British government did not hold up the finger which they said would have brought war.

Monroe had been secretary of state for Madison, as Madison had been for his predecessor, and Mon-

roe became president in his turn. The Florida posts, it is true, were restored to Spain, but negotiations were pressed for the acquisition of the peninsula, because Spain, as shown in the case of the pirates of Amelia Island near the American line, was unable to maintain tranquillity, and in order to settle the dispute as to the extent of the Louisiana Purchase. These efforts finally bore fruit in the Florida Purchase of 1819, when John Forsyth, of Georgia, was minister to Spain, even though the *mañana* tendency of that country prevented ratification for two years. This treaty not only settled the southwestern boundary, but it recognized the extension of the Union west to the Pacific, a fact which received little attention at the time, but which might prove portentous in the future.

Meantime several other matters had come up for adjustment. One of these was an "arrangement" with Great Britain, and it never has been put in form of a formal treaty, securing the neutrality of the Great Lakes. The right of policing was, of course, retained by each country, but no battleships were to be placed upon these inland waters, or even built there for transportation to the ocean. The Great Lakes, in consequence, became a kind of Mediterranean for North America, and international as well as internal commerce assumed enormous proportions.

The Gulf of Mexico from its position would seem to have been designed by nature as the true Mediterranean for the western hemisphere, but the peculiarities of the adjacent colonies deferred the full realization of this ideal. It was in Monroe's time that the first decisive steps were taken towards the solution of the Spanish-American question. The old tendency of the *conquisdadors* to mutual strife had in later years merged into struggles for independ-

ence. Whether these countries could become republics on the North American model was yet to be seen, but the interest of the Americans in their southern brethren became almost irrepressible. The neutrality proclamation was now rewritten and enacted into law, but was defied by privateers from the South as well as filibusters from the North. Spain delayed the Florida negotiations on account of American sympathy with the insurgents, and, worse yet, the Holy Alliance of monarchs after the fall of Napoleon seemed inclined to take up her cause. Not only was there a political reaction in Europe, but a disposition to force the colonists back to their ancient allegiance.

Monroe Doctrine.

John Quincy Adams was Monroe's secretary of state, but constitutionally the President is supreme; his secretary may advise but not devise a foreign policy. Moreover, Monroe remained in communication with Madison and even more closely with Jefferson in their retirement, and the Monroe Doctrine as promulgated was but an application to existing conditions of Jefferson's principle carried out anent Louisiana. When consulted on this matter, Jefferson wrote:

"Our first and fundamental maxim should be never to entangle ourselves in the broils of Europe. Our second never to suffer Europe to intermeddle with cis-Atlantic affairs. . . . We will oppose with all our means the forcible interposition of any power, as auxiliary, stipendary, or under any other form or pretext, and more especially their transfer to any power by conquest, cession, or acquisition in any other way."

Mr. Madison was of the same opinion. Immediately after Spain ratified the Florida treaty President Monroe recognized the southern republics and proceeded to commit himself to the doctrine, popularly named for him, which has profoundly influ-

enced the history of the western hemisphere. Its wording was perhaps that of Adams, but the principle was that of Monroe. It is contained in his annual message to Congress of Dec. 2, 1823, as follows:

"The occasion has been judged proper for asserting as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European power. * * * We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers (the allied powers of Europe), to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power, we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition towards the United States. * * * Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference."

Canning in England made the boast that he called a new continent into being to redress the balance of the old, but it was Henry Clay, of Kentucky, who, as representative in Congress, had led the way to the acknowledgment of the independence of the South American republics; and it was Clay in 1825 who, as secretary of state, established clearly the principle upon which the United States would

act in recognizing a *de facto* government, particularly where it was an American colony seeking separation from a European monarchy.

An application of the same principle came up concerning Texas; its belligerency and the admission of its ships to American ports, according to Secretary Forsyth, of Georgia, in 1836, were results of facts as plain to Mexico as to the American government. And that government was then in strong if rough hands.

This, what has been called the Jacksonian epoch, was full enough of stirring events at home, the development of a new patriotism, and the beginning of sectional feeling on the subject of slavery, but it is perhaps on this account of less interest in foreign relations, whether Van Buren as secretary of state or President Jackson dominated the government. He all but came to war with France over the spoliation claims dating from the time of Napoleon, but this was finally adjusted by the friendly offices of Great Britain and the claims were paid. During Van Buren's term, John Forsyth was secretary of state and interesting questions came up in regard to the Canadian as well as the Texan revolt at the other end of the Union. The destruction by the British on American soil of the filibuster vessel *Caroline,* and other incidents of the Canadian revolt of 1837, called for the enforcement of the unpopular neutrality laws, and some years afterwards, when Webster was secretary under Tyler, of Virginia, the trial by the courts of New York of the Canadian McLeod for killing an American on the *Caroline* brought about a critical situation. The great services of Mr. Webster had little relation to Southern subjects, but he himself, after the conclusion of the Ashburton boundary treaty, testified that the support and attention of President Tyler

had been essential to that important transaction.

Texas and the War with Mexico.

The time had come, however, when the United States must take another step forward in expansion. It is true Hawaii had already been claimed as within the American sphere of influence, but Thomas H. Benton, of Missouri, pictured the American Terminus as standing on the summit of the Rocky Mountains, and Mr. Webster, like Jefferson, imagined that, if at some future time a second republic sprang up on the Pacific coast, it could be united with the United States only by blood and friendship. But Texas had meantime been largely settled by Americans and the old ambition for extension to the Rio Grande was revived. Somewhat as in the near West, in the time of the Spaniard Carondelet, it was a question of local interest where the allegiance of the new country should lie. The Texan envoy Henderson was active in Europe, and Wm. R. King, of Alabama, the American minister to France, had difficulty in preventing Louis Philippe from acting with England. The great colonizing power, Great Britain, was willing to accept the sovereignty, and it was due to John C. Calhoun when secretary of state under President Polk that the new republic was taken under the protection of the United States. There had been settled the northeastern boundary, but there was still pending a dispute with Great Britain as to the northwestern. The popular cry was "fifty-four forty or fight," but the American government had received notice from the Mexican that the annexation of Texas meant war; so that a compromise was agreed on with the northern neighbor, and attention concentrated upon the southern. The senate refused to agree to a treaty of annexation of Texas, and so, upon recommendation by the

President, a joint resolution, which required only a majority of each house, was passed, and the American troops advanced into the territory claimed by Texas.

War existed, whether or not, as stated in the act of Congress, "by the act of Mexico," and the Americans advanced from one victory to another. Robert E. Lee, Jefferson Davis and Ulysses S. Grant served under Winfield Scott, and finally the troops entered the City of Mexico.

The war was ended Feb. 2, 1848, by the treaty of Guadalupe Hidalgo, negotiated by N. P. Trist, of Virginia, a special commissioner accompanying the army by order of the President. His first negotiations failed. General Scott treated him cavalierly, and he was recalled, but it so happened that he was unable to find a vessel on which to sail, was sought out by Mexican commissioners, and a treaty signed.

The Mexican War was popular in the South, but not so in the East which was less benefited; but neither the South nor the East hesitated to accept the treaty which added California and the Rocky Mountain region to the Union, and, indeed, in 1853, more territory was acquired from Mexico by the Gadsden Purchase, in order to perfect the boundary. The result on the whole was the acquisition of as much land as had been included in the Louisiana Purchase, an acquisition in some respects more important, inasmuch as it carried the American terminus from the Rocky Mountains to the Golden Gate and opened up the whole Pacific Coast. What this meant was not yet clear. It needed the development of railroads to make the new country one with the older sections, and it is no little credit to Calhoun, who has been so much maligned as a sectional leader, that he foresaw and advocated the transcontinental road which would make the Union one indeed.

The Mexican War marked a turning point in American history, for the resulting "Compromise of 1850," as it is called, was the beginning of a new epoch. Mr. Clay thought that by it he had settled forever the slavery dispute, and certainly the next decade saw a national growth which outlined the great future of America. The change was shown in a wider scope of foreign relations.

Mosquito Coast and Clayton-Bulwer Treaty.

The extension of territory was reflected in the widening of diplomatic questions. The United States in 1846 had guaranteed the integrity of New Granada in exchange for grant of special rights of transit over the Isthmus of Panama, which soon materialized in an American railroad. Even earlier Hawaii had been taken within the American sphere of influence and on the acquisition of California and the discovery of gold the need of a ship canal became evident, and arrangements to that end were made with Nicaragua. The matter was complicated by claims of Great Britain to the Mosquito Coast, and it appeared best to enter with that power into the Clayton-Bulwer Treaty of 1850 for a joint protectorate over Nicaragua and the proposed canal. This important work of Secretary Clayton, of Delaware, proved unfortunate and was to be a cause of misunderstanding for a third of a century. William Walker sought in several filibuster expeditions from southern ports to organize a revolutionary government that would practically make Nicaragua an American dependency; but finally he lost his life there. The broadening of interests in the Pacific led to Perry's opening of Japan in 1854, and in this decade sympathy for Kossuth and Koszta led Webster and Cass to famous declarations as to foreign revolutions and American naturalization.

Slave Trade.

The South had always been agricultural, its labor system based, as formerly, on African slavery. The evils of this were patent and in the constitution Southerners united with Northerners in abolishing the slave trade, which furnished the supply. Property in slaves, however, was recognized by domestic and international law. In the treaty declaring American independence and in that of Ghent, Great Britain agreed to return captured slaves. The rise of the Abolitionists, resolved to satisfy a theory at any cost, and the reaction, which caused slave-owners to feel the necessity of an extension of slave territory, were to cause political questions at home, but the majority of the people were conservative if not indifferent. No matter who was in office, the private ownership of slaves was asserted against foreign powers.

It seems odd in the light of subsequent events to find Webster, of Massachusetts, urging the surrender of slaves who on a voyage from Richmond to New Orleans in 1841 had mutinied on the *Creole* and taken her to a British colonial port. The matter was referred to a joint commission and the upshot twelve years later was, that, while the slaves were not themselves returned, compensation was made by Great Britain to their owners.

Both Great Britain and the United States abolished the slave trade and declared it piracy, but both found that the trade continued. The Webster Ashburton Treaty of 1842, during the term of President Tyler, of Virginia, related mainly to the northeastern boundary, but it also contained provisions for joint naval efforts off the coast of Africa for the suppression of the slave trade. This led to cruising by vessels of the two powers which proved very efficacious. Swift slavers, often Yankee, some-

times escaped, but frequently they were stopped and the human cargo released. It was perhaps impossible to abolish the trade entirely, for there were always people who would buy slaves cheap and ask no questions, and there were always ship owners who for the enormous profits would risk the penalties of the law. The case of the *Wanderer* in the late fifties showed both sides of the matter. As between England and America there was at first some conflict as to the right of search, but Great Britain in 1859 abandoned the claim, and the two powers cooperated heartily to break up the trade. It may be noted, however, that it was afterwards found necessary to establish by agreement a modified form of search so as to avoid the misuse of the American flag.

In the early part of the Nineteenth century colonization was favored as a means of disposing of emancipated slaves, and several societies for this purpose, one for instance, in Maryland, were quite influential. Henry Clay gave much time and labor to the subject. The result was the foundation of Liberia on the African coast during the presidency of Monroe, for whom Monrovia, the capital, was named. One of the counties was called for Maryland. This colony remained practically under American protection, even after the United States recognized its independence in 1847, an example followed by Great Britain the next year. The object was praiseworthy and reflects credit on the efforts which established the colony. It was never influential in Africa, however, nor was it to prove attractive to the negroes of America.

Cuba.

From an early day Cuba had been a matter of interest to the United States. Even Jefferson had

looked longingly in that direction, and the time came when the United States not only laid down the principle that they would oppose its sale to any other power, but sought to acquire the island. Two events in particular led to friction between Spain and this country. In 1851, Lopez conducted a filibustering expedition to Cuba, but was captured and with many of his men shot. Profound indignation was aroused, especially at New Orleans, where a riot ensued in which the Spanish flag was insulted, the consulate demolished, and injuries inflicted on Spaniards. In response to Spain's demands, Webster established the principle that the injured parties had no greater rights than Americans, and must seek redress in the local courts. As this amounted to a virtual denial of justice, however, Webster coupled it with a law, which passed Congress, to compensate the sufferers by the payment of money. Cuban expeditions were as popular as those against the Spanish southwest had been earlier in the century. Even congressmen like Quitman of Mississippi joined in such attempts.

In 1854, came the seizure in Havana of the steamer *Black Warrior* from Mobile, for violation of customs regulations. At that time the United States minister to Spain was Pierre Soulé, of Louisiana. He was a native of France, but now hostile to Napoleon III. and had lately fought duels over French matters. Soulé in vigorous terms demanded satisfaction, and, indeed, went beyond his instructions. Reparation having already been made, he was not supported by Secretary Marcy. Some months later Soulé met ministers Buchanan, who came over from London, and Mason of Paris, at Ostend, and between them they drew up a manifesto which created a profound impression. It declared that the United States not only would not permit Cuba to be sold to any other

power, and stood ready to purchase it, but, if Spain did not accede, would take possession. This anticipation of manifest destiny was repudiated by Secretary Marcy, and Soulé gave up his post in disgust.

About this time the Crimean War broke out and Marcy proposed the observance of rules providing for free ships and non-confiscation of neutral goods. Mr. Forsyth, as minister to Mexico, secured the assent of that country to these propositions as appropriate to the occasion. These principles were part of the "philosopher's dream" found in Franklin's treaty with Frederick the Great, who had no ships, and were principles which isolation had enabled the United States to adopt and urge ever since as part of their policy. They were not adopted at the time, but after the conclusion of the war the Declaration of Paris adopted advanced maritime rules to which the United States was invited to accede. They declined, however, unless private property of belligerents, not contraband, was declared exempt from capture. The amendment was not agreed to, and Secretary Cass' refusal to assent to the Declaration was to return to plague the North in the war of 1861-65.

During the four ages of America,—Federalist, Jeffersonian, Jacksonian, and Mexican War—many ambassadors had been from the South. Thus besides those already mentioned there were sent to Great Britain, Monroe, William Pinckney, J. A. Bayard, Louis McLane and A. Stevenson; to France, Short, Marshall, Murray, Crawford, Rives, Edward Livingston, King, Mason and Faulkner; to Russia, Bayard, William Pinckney, Campbell, Middleton, Randolph, Todd, Bagby, Brown, Pickens and C. M. Clay; to Germany, then of less importance, was only Donaldson, and to Greece, J. Walker Fearn. But proportionately more in number were the secre-

taries, and the South furnished almost all the presidents. It was inevitable, therefore, that this section of the country, for better or for worse, controlled foreign policy and diplomacy.

Of the three questions left over from the Confederation the Spanish boundary was Southern, and the Loyalist confiscation concerned Southern states as much as Northern. The principles of neutrality and the Monroe Doctrine were established by Southern statesmen, the acquisition of Louisiana was a Southern measure carried into effect by Southern men. And yet their policy was not sectional, for the War of 1812 was fought to protect shipping, which was a Northern interest, and tariff protection and foreign commerce were encouraged by law and treaties chiefly benefiting the North. The Mexican War and cessions were Southern locally, but caused a national growth exceeding even that after the Louisiana Purchase. Each addition of territory, the Virginia Northwest cession, Louisiana, Florida, and the Pacific Coast, was a new starting point for American development, and each was a Southern plan, made a reality by broad, patriotic Americans from the South.

When the Southern states left the Union diplomacy had created an America undreamed of by the founders of the constitution, a country too great to be rent in two even by the hands which made it.

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CHAPTER III.

THE SOUTH IN THE EXPANSION OF THE UNITED STATES.

Policy of Expansion of Southern Colonies.

THE expansion of the United States is due almost entirely to the migratory tendencies of the Southern people. Under their original charters, Massachusetts and Connecticut had some claims to western lands, though not as good as the claims of Virginia. It is also true that there was some dispute between Virginia and Pennsylvania and Maryland as to the western boundaries of both of these states, but neither had any claims to western lands. On the other hand, Virginia and the Carolinas and Georgia, under their charters, ran west from ocean to ocean, but since English America extended only to the Mississippi, the territories of these states ended with that river. The fact that the charters of the South were so all-inclusive probably had something to do with the Southern desire to move westward and to acquire and settle new territory. According to Alexander Brown a literal interpretation of the charters of Virginia of 1609 and

1612 would have made the state of Virginia include "all or portions of the present New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Illinois, Missouri, Kansas, Arkansas, Indian Territory, Oklahoma, Texas, New Mexico, Colorado, Arizona, Utah, Nevada and California." On the other hand, we believe that the conditions under which the Southern people lived had much to do with this movement. As a matter of fact, Virginia never claimed any territory west of the Mississippi River, and after the granting of the charters to the Carolinas she never made any claims south of the boundary established between her and North Carolina in 1728, which line, with a slight variation, was extended due west to the Mississippi. Due, therefore, to territorial grants and also to the plantation system, the Southern colonies were practically the only ones in colonial days to make movements west of the Alleghany Mountains.

Naturally, as the population on the Atlantic coast increased, many moved away from the seashore, but no decided effort to enter the mountainous sections was made until the days of Spotswood in Virginia. In 1715, he organized an expedition to explore the Piedmont section which resulted in his crossing the Blue Ridge Mountains and discovering the Shenandoah Valley. Of this he took possession in the name of King George, though at the time no effort was made to settle this region. Owing to the progressive spirit of the Scotch-Irish, who migrated from Pennsylvania, this territory was settled in the period from 1730 to 1750, and soon large counties were organized in Virginia, crossing the mountains and extending to the Ohio River. Almost simultaneously with this movement in Virginia came the westward

movements in North Carolina, South Carolina and Georgia, where the mountainous sections were inhabited by Scotch-Irish Presbyterians and Germans and Huguenots. A few years later settlements were made in the trans-Alleghany section of Virginia and along the Ohio River. While the Virginians were pressing to the Ohio, John Sevier, John Robertson and others, some of them Virginians, and some North Carolinians, entered the present state of Tennessee, founding the Watauga colony.

About the middle of the Eighteenth century, the family of which Daniel Boone was a member went from Pennsylvania to North Carolina. Boone soon explored the Cumberland and Tennessee Valley, and finally moved his family, accompanied by some friends, into Kentucky, and established a fort at Boonesboro. These Kentucky settlements were rapidly added to by the influx of Virginians, among whom a notable character was George Rogers Clark. Thus when the Revolutionary War opened we see Kentucky with a population of Southerners organized as a county in Virginia. Some Virginians had also occupied the northern bank of the Ohio River under the direction of the Ohio Company, which was chartered in 1750 by the British Government for the purpose of trading with the Indians. Among some of the early settlers were also Pennsylvanians. In the extreme South the attitude of Georgia, immediately after its settlement by Oglethorpe, toward the Spanish settlements in Florida was indicative of the spirit of the Southerners to possess more territory. The general attitude of Georgia, South Carolina, North Carolina and Virginia toward the Spaniards and French undoubtedly influenced the British ministry at the close of the French and Indian War to demand not only the entire French possession east of the Mississippi River,

but likewise all the Spanish possessions, and thus Florida was added to the British colonial possessions, making a compact united colonial empire. Oglethorpe, without doubt, had much to do with the demand of the Floridas from the Spaniards.

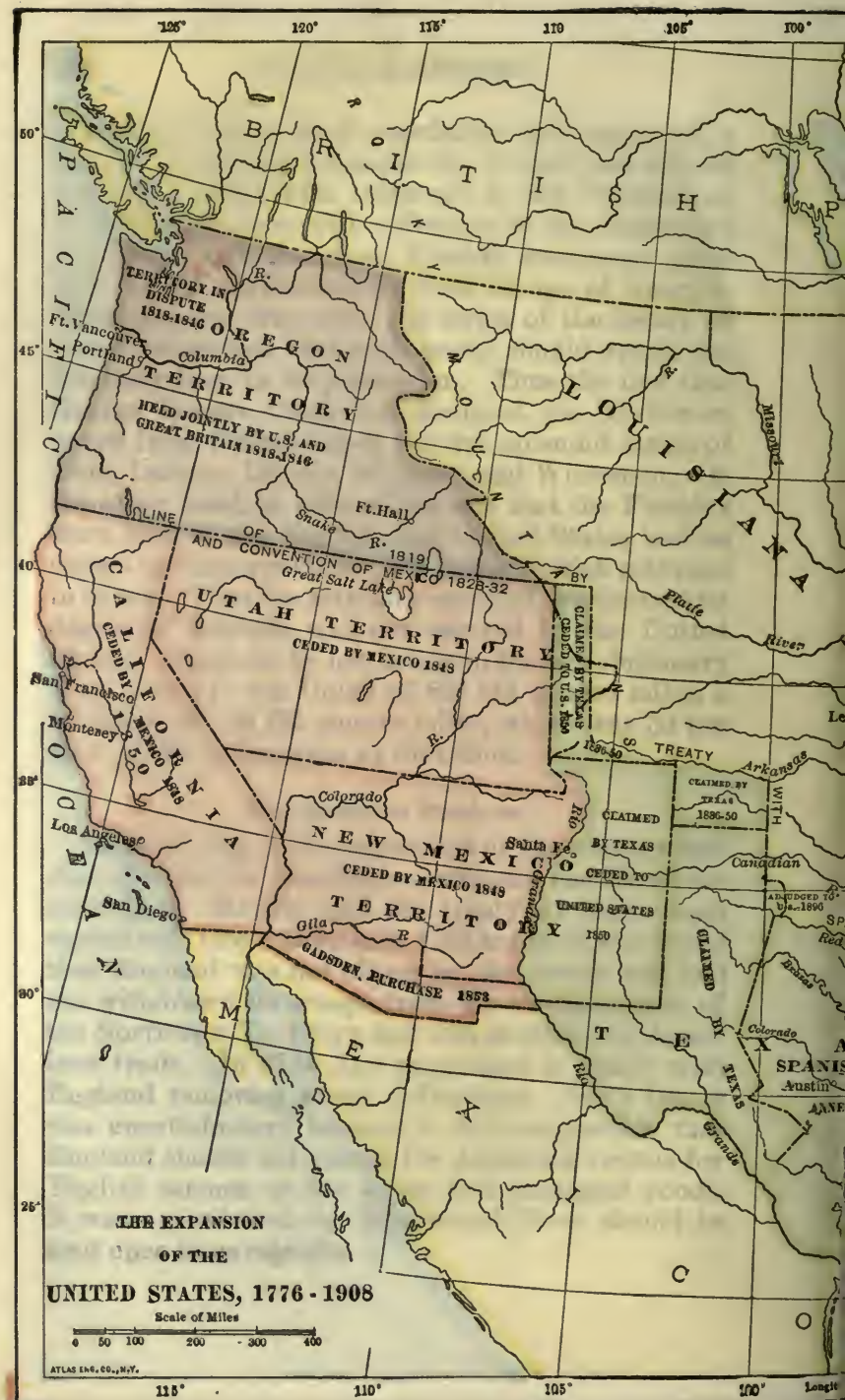
Virginia's Territorial Acquisitions in the Revolutionary War.

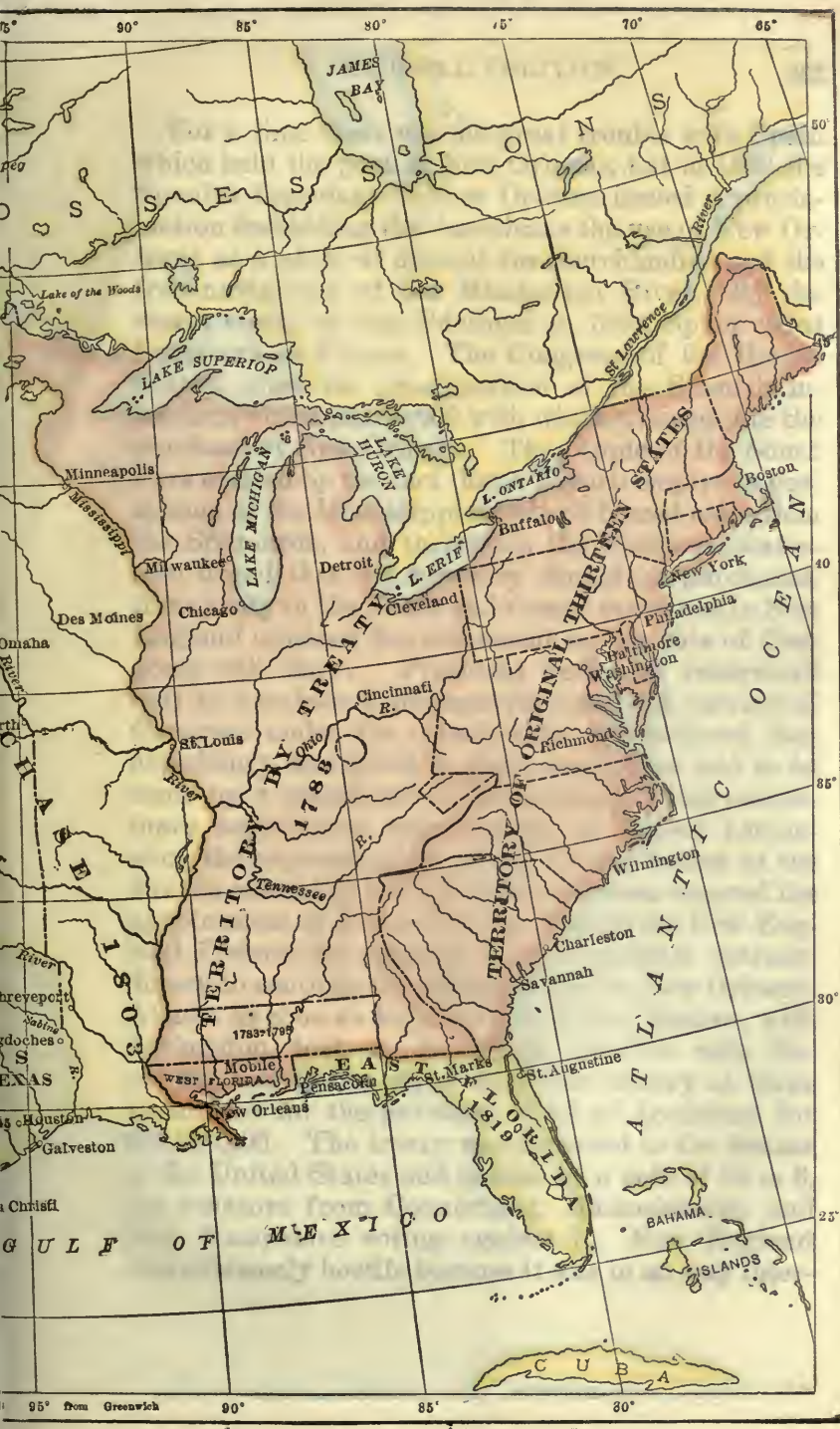
When the Revolutionary War opened and independence was declared, the problem that presented itself to the Southern states was what would become of the western territory in the event of the colonies along the Atlantic becoming independent. The Quebec Act of 1774 extended the government of Quebec south to the Ohio River and thus aimed a blow at Virginia's western frontier. George Rogers Clark and his colleague, as representatives of the county of Kentucky in the state of Virginia, traveled partly by foot and partly by horse, stage and boat from Kentucky to Williamsburg in 1776 and reported to Patrick Henry that the British were occupying territory north of the Ohio in accordance with this Act, but that the French settlers in that region would probably be friendly to any movement made by the Virginians to secure the territory which was theirs by charter rights. After due deliberation, Patrick Henry, governor of the commonwealth of Virginia, authorized Clark to raise a band of troops collected chiefly from the Shenandoah Valley, the trans-Alleghany section and Kentucky. With the three regiments thus raised, he proceeded into Illinois, surprised the English at Kaskaskia and annexed Illinois to Virginia. Later, he proceeded against Vincennes, captured the English governor, Hamilton, secured the territory and sent Hamilton as a prisoner of war to Williamsburg. Before the Revolutionary War had closed, the Northwest Territory had been made the county of Illinois in Virginia.

Georgia had a small population and contained a number of Tories; consequently, it could not take so decided a stand with reference to the Floridas as Virginia had done with reference to the Northwest Territory, and, therefore, Florida was never occupied by the continental or state troops of Georgia. When the war was over, the terms of the treaty of peace recognized that each party should retain the territory then in its possession. Thus the fact that George Rogers Clark had occupied the Northwest saved from British hands the five splendid states of Ohio, Indiana, Illinois, Michigan and Wisconsin. On the other hand, in view of the fact that the Floridas were held by the English, the United States had no claims to these provinces, which the British returned to Spain. Thus the territory south of the thirty-first degree of latitude was not secured by the United States. Virginia, by her action in the Revolutionary War, saved to the Union of 827,844 square miles, a territory of 248,105 square miles, which was 30 per cent. of the entire area at that time.

The Louisiana Purchase.

The next step in the expansion of the country was also directed by Southern sentiment and Southern statesmen. Hardly had the treaty of peace been signed with Great Britain in 1783 before it was found that England was not observing the treaty and had not withdrawn its troops from the northern part of the Northwest Territory and was obstructing American trade. In 1794 Jay negotiated a treaty with England removing many differences. Jay's treaty was unsatisfactory because it did not provide that England should not search the American vessels for English seamen or for stolen and smuggled goods. It was agreed that the Mississippi River should be kept open to navigation.


THE EXPANSION
OF THE
UNITED STATES, 1776 - 1908
Scale of Miles
0 50 100 200 300 400
ATLAS ENG. CO., N.Y.
125°
120°
115°
110
105°
100°
50°
45°
40°
35°
30°
25°
BRITISH
ROCKY MOUNTAINS
PACIFIC OCEAN
MEXICO
LOUISIANA
TEXAS
SPANIS
Austin
ANNE
TERRITORY IN DISPUTE 1818-1846
OREGON TERRITORY
HELD JOINTLY BY U.S. AND GREAT BRITAIN 1818-1846
Ft. Vancouver
Portland
Columbia
R.
Ft. Hall
Snake
R.
LINE OF 1819
AND CONVENTION OF MEXICO 1828-32
Great Salt Lake
UTAH TERRITORY
CEDED BY MEXICO 1848
CLAIMED BY TEXAS CEDED TO U.S. 1850
CALIFORNIA
CEDED BY MEXICO 1848
1850
San Francisco
Monterey
Los Angeles
San Diego
Colorado
NEW MEXICO TERRITORY
CEDED BY MEXICO 1848
Santa Fe
Rio Grande
Gila
R.
GADSDEN PURCHASE 1853
CLAIMED BY TEXAS CEDED TO UNITED STATES 1850
CLAIMED BY TEXAS 1836-50
TREATY WITH
Arkansas
Canadian
ADJUDGED TO U.S. 1896
Missouri
Platte
River
Red
Brazos
Colorado
Rio Grande
Le



JAMES BAY
Lake of the Woods
LAKE SUPERIOR
LAKE MICHIGAN
LAKE HURON
L. ONTARIO
L. ERIE
St. Lawrence River
Minneapolis
Mississippi
Milwaukee
Chicago
Detroit
Cleveland
Buffalo
Boston
New York
Philadelphia
Baltimore
Washington
Richmond
Wilmington
Charleston
Savannah
St. Augustine
St. Marks
Pensacola
Mobile
New Orleans
Houston
Galveston
Omaha
Des Moines
St. Louis
Cincinnati
Ohio R.
Tennessee R.
Sabine R.
Shreveport
Galveston
Christi
TERRITORY BY TREATY 1783
TERRITORY OF ORIGINAL THIRTEEN STATES
1783-1795
WEST FLORIDA
EAST FLORIDA 1819
CHASE 1803
ATLANTIC OCEAN
GULF OF MEXICO
BAHAMA ISLANDS
CUBA
95° from Greenwich
90°
85°
80°
75°
70°
65°
50°
40°
35°
30°
25°

For a time there was no great trouble with Spain which held the port of New Orleans, but in 1802 the Spanish intendant at New Orleans issued a proclamation forbidding the Americans the use of New Orleans as a place of deposit for merchandise and the free navigation of the Mississippi River. By the secret treaty of San Ildefonso in 1800, Spain ceded Louisiana to France. The Congress of the United States, after the proclamation of the Spanish intendant, voted $2,000,000 with which to negotiate the purchase of New Orleans. The people of the South were excited by the fact that a French empire in possession of the Mississippi was to be feared more than the Spaniards, and thereupon the Southern statesmen urged that the territory should be purchased. A majority in the North and almost every one in New England opposed the movement as the vote of Congress will show. President Jefferson recognized that to purchase Louisiana exceeded the powers of Congress under the constitution, but believed that expediency demanded it, if its annexation had to be made by a constitutional amendment. The preliminary negotiations were opened by Robert Livingston, the representative of the United States at the French court, but early in 1803 Jefferson secured the appointment of James Monroe, though the New England Federalists opposed it, as a minister extraordinary to continue the efforts to secure New Orleans. Almost as soon as he arrived in Paris, Monroe, with Livingston, took up the whole question with Napoleon, and to the surprise of the country at large negotiated for the purchase of all of Louisiana for $15,000,000. The treaty was reported to the Senate of the United States and passed by a vote of 26 to 6, the senators from Connecticut, Massachusetts and New Hampshire voting against it. New England was extremely hostile because it was in no way inter-

ested in the trade which might be developed along the Mississippi and feared that in the long run it might lessen New England's influence in the nation, and that the West would eventually control the Union. But the Southern people as a mass stood for the proposition and through their votes the treaty annexing Louisiana was ratified, though Jefferson advised that it should be done by a constitutional amendment. Thus through Southern aggression and the influence of Southern statesmen an area west of the Mississippi larger than the entire United States east of that river was added to the Union. Out of this territory have been made thirteen states —Louisiana, Arkansas, Missouri, Oklahoma, Colorado, Kansas, Nebraska, Iowa, Minnesota, North Dakota, South Dakota, Montana, Wyoming.

The Acquisition of Florida

Following the Revolutionary War, Spain had tried to close the Mississippi River to navigation to Americans. This did not concern the New Englanders, and they were delighted to learn that John Jay, secretary of state, was on the point of giving up all claims of the Americans, for the free navigation of the Mississippi for twenty-five years, in exchange for the right to trade with the Spanish West Indies. The South joined with the West and prevented this action and finally in 1795 a treaty secured by Thomas Pinckney, of South Carolina, representing the Southern and Western interests, had been made with Spain which granted the right of navigation of the Mississippi River. One of the important causes of Pinckney's negotiations with Spain was the settlement of the boundary line between the United States and West Florida, which by the treaty was fixed as the thirty-first degree of latitude.

The ill-feeling which had existed between Georgia

and Florida in colonial days while the latter was a possession of Spain began again in 1783. Fugitives from justice fled to Florida and were constantly harbored there. The Indians of Georgia and Florida were in close alliance and were frequently incited to acts of hostility against the Americans by the Spanish settlers. When Louisiana was purchased in 1803, the United States claimed that West Florida was a portion of it, but it was not till 1811 that, on account of some disturbances encouraged by the Spaniards of Florida, Madison occupied West Florida as far east as the Perdido River. In the War of 1812, the English used Florida as a basis of supply, and to it fled runaway slaves and fugitives from justice. The Creek Indians assisting the English, in 1814, were defeated by Andrew Jackson with troops from the South, and marching into Florida, Jackson took Pensacola, which the Spaniards had allowed the English to use as a base of operations. These facts caused diplomatic negotiations with Spain to be broken off. As early as January, 1806, the negotiations with Spain as to West Florida being unsatisfactory, a bill had been introduced into the Senate to purchase Florida, and it was passed by a vote of 17 to 11. New England Federalists were arrayed against the bill, because the Federalists' idea was not a large country, but a small well-governed country, and because an additional increase of territory meant more slave territory. The North was also opposed to the occupation of West Florida by President Madison. But the constant demand of the Southern statesmen caused a reopening of negotiations lasting for four years and ending in the acquisition of Florida by the treaty of 1819 with Spain. Florida was ceded to the United States for $5,000,000 and thus were added to the United States 58,680 square miles of territory. To the expansionists of

the time—the Southerners—it was a source of great regret that the boundary of Mexico was fixed by this same treaty at the Subine River instead of the Rio Grande, while the northern boundary of Mexico was fixed at the forty-second degree of latitude. As in the case of the Louisiana Purchase treaty, the New Englanders voted against the acquisition of this territory, though the rest of the country had approved of it.

Jefferson and Monroe, the Expansionists.

The South was now joined by the great Northwest in its desire for expansion. Jefferson's views were gaining ground, for at the time that Louisiana was purchased, he was also anxious to secure Florida, especially West Florida, giving us the territory from Mobile Bay to the Mississippi River. In fact, one of the objects of James Monroe in joining Livingston in Paris was to secure West Florida as well as New Orleans. Jefferson's importance in territorial expansion must not be forgotten, for no sooner had the Louisiana Purchase been made than he sent Lewis and Clark to explore Louisiana to the headwaters of the Missouri River and the Oregon country. They went as far as the mouth of the Columbia River. This country had been occupied by the British Hudson Bay Company, which had trading posts in that region, and while it was left unsettled for a while, it was during Monroe's administration, 1818, that the treaty was made with Great Britain extending the boundary line from the Lake of the Woods to the Rocky Mountains along the forty-ninth parallel of latitude, while the country west of the Rocky Mountains and north of Mexico was left open for trading purposes to be occupied by either country. Thus Monroe was following in Jefferson's footsteps.

Annexation of Texas.

In yielding all of Texas to Spain by the treaty of 1819, the United States renounced its claim to a territory which might have been justly claimed. But, as a matter of fact, since the purchase of Louisiana in 1803, no effort had ever been made to occupy Texas, but rather to occupy West Florida. Hardly had the treaty of 1819 with Spain been ratified before Mexico gained its independence. The Mexican constitution provided for the gradual abolition of slavery in its territory and prohibited the further importation of slaves. The Texans, however, continued to have slaves and many Americans went into the territory carrying their slaves, notably Moses Austin. He encouraged other immigrants to come with their slaves and in a short time probably one-third of the population of Texas was comprised of Americans who brought their slaves contrary to the laws of Mexico. In 1833 the Americans took charge of the government of Texas, then a state in Mexico, and made a constitution which admitted slavery. This constitution was never recognized by the Mexicans, but before the Mexican government could take any action, Santa Anna, its president, overthrew the Federal government of Mexico and established himself as a dictator. The Texans at this state of affairs struck for independence and established a republic recognizing slavery, and in 1837 the United States, England, France and Belgium recognized the independence of the Lone Star republic. This recognition on the part of the United States was not given by Congress, but through President Jackson, for the anti-slavery element in Congress wielded sufficient influence to prevent congressional action.

Hardly had Texas gained her independence before the question of annexation to the United States was

being advocated by Southern statesmen, especially the Southern Democrats and by that wing of Democrats of the North who did not oppose slavery. The Whig party was practically a unit against any steps toward annexation. Opposition to annexation was led in the House of Representatives by John Quincy Adams, of New England, and Joshua R. Giddings, of Ohio. Thomas Ritchie, of Virginia, and the state of Louisiana had opposed the Florida treaty because it did not include Texas, and under President Jackson efforts were made to buy Texas and California from Mexico. When Texas gained her independence, Calhoun advocated annexation at once. President Van Buren would not listen to the overtures of Texas for annexation made through its minister to the United States. It is not known what William Henry Harrison would have done as he died soon after being inaugurated, but John Tyler, a Virginian and a slave-owner, favored the increase of the territory of the United States by acquiring Texas. Northern legislatures declared against it and the Southern for it. A treaty was negotiated with Texas and was presented to Congress in April, 1844. Tyler had negotiated this treaty secretly, having been greatly assisted by Southern leaders of the Calhoun type, Calhoun being a strong advocate of the annexation of Texas for fear that it might become a possession of England. Moreover, Mexico herself, despairing of ever conquering Texas, was inclined to make overtures to that republic and to alienate it from the United States. In spite, however, of these conditions, the Senate, which was strongly anti-Tyler and which did not like the secrecy which had pervaded the negotiations of the treaty, rejected it by a decisive vote of 16 to 35. This measure nearly lost Texas to the United States, but the Southern Democrats demanded that Texas should be secured.

The cry of the campaign of 1844 was the "Reannexation of Texas." Van Buren had within his power the opportunity to be nominated by the Democrats as their standard-bearer had he been willing to favor annexation, but his Northern friends and his own feelings were so against that course that he declined to favor the movement. Thereupon James K. Polk, of Tennessee, was nominated on a platform for the "Reannexation of Texas" and for the securing of all the Oregon country to latitude "54° 40′." Henry Clay was nominated as the standard-bearer of the Whig Party which placed first of all the national bank, ignoring the question of expansion. Clay wrote letters for annexation and against annexation, thus leaving his attitude uncertain. A new party, therefore, came into the field, the Liberty party, composed of abolitionists who were pronounced against the annexation of any more slave territory. Polk carried the country, but it is an interesting fact to note that had the Liberty party's vote in New York State gone to Clay, he would have been elected President, the contest being so close. President Tyler was alert on all questions relating to the growth of the territory of the United States. When Tyler was President, Daniel Webster, secretary of state, was negotiating a treaty with Lord Ashburton with reference to disputes between the United States and England concerning the northeastern boundary line between Maine and the British possession. We are told that Webster was about to enter into arrangements by which all of the Oregon country north of the forty-second degree of latitude and west of the Rocky Mountains was to be granted to England, and that this clause was finally omitted from the treaty by the special interference of President Tyler. Thus the Webster-Ashburton treaty concerning the Oregon territory left the Democratic

party free to act on this problem a little later. No sooner, however, had the election resulted in Polk's victory than Tyler secured the passage through both houses of Congress of a joint resolution annexing Texas. Nearly all the Whigs and Democrats of the North voted against the measure. But the zeal of McDuffie, of South Carolina, and Walker, of Mississippi, with the able support of Secretary Calhoun, carried the measure through Congress. The President signed the bill on March 3, 1845, and Texas was thus made a part of the United States.

Oregon Secured.

Polk thus came in with a part of his policy already accomplished, but the question of pushing the boundaries of the United States to 54° 40′ according to his platform, still remained to be dealt with. It seemed at one time as if the Democratic party with Southern leaders in the saddle would force another war with England, but finally the matter was amicably adjusted by a treaty in 1846 with Great Britain, by which the boundary line established from the Lake of the Woods to the Rocky Mountains in 1818 was extended from the Rocky Mountains along the forty-ninth parallel of latitude to the Pacific Ocean. Thus the United States acquired a strip of territory north of the Mexican possessions extending over seven degrees of latitude.

Acquisitions from Mexico.

While these negotiations were pending with England, the United States had already gone to war with Mexico regarding the southern boundary of Texas. It was assumed that the southern boundary of Texas was the Rio Grande, but Mexico claimed that it was the Nueces River. Texas also claimed that her western boundary extended from the source of the Rio

Grande due north to latitude forty-two, but this was likewise denied by Mexico. Polk did not delay a minute. No sooner had he become President than he ordered General Taylor to cross the Nueces River and occupy the country. This was done in the summer of 1845, though Texas did not become a part of the Union under the joint resolution annexing it until December, 1845. In the spring of 1846, Polk ordered General Taylor to advance to the Rio Grande opposite the town of Matamoras. Taylor obeyed orders, but was requested by the Mexican general to retire to the Nueces. On receiving the refusal of General Taylor, the Mexicans crossed the river and on April 23, 1846, ambushed a small body of American troops. A few days later occurred the battle of Palo Alto, whereupon the President on May 11, 1846, sent a message to Congress saying "Mexico has passed the boundary of the United States and shed American blood upon American soil. War exists and exists by the act of Mexico herself." Polk's determination to hold all territory claimed by Texas is undoubtedly responsible for the war with Mexico, for had the matter been left with Congress, the strong Whig and anti-slavery party composed of many Northern Democrats would doubtless have prevented any serious friction with Mexico, for as the war progressed and it was seen that the United States would be victorious, the anti-slavery party made every effort possible to exclude slavery from all the territory that might be acquired from Mexico. To this end was introduced the Wilmot Proviso which actually passed the House of Representatives, but was killed in the Senate. This was a Northern measure defeated by the South reënforced by some Northern Democrats.

The treaty concluded with Mexico in 1848 at Guadalupe Hidalgo, yielded to the United States all the

territory between Texas and the Pacific Ocean south of the forty-second degree of latitude. New England had bitterly opposed the war, and some suggestions had come from it that Massachusetts should secede from the United States. It was difficult to get Northern troops to fight in the war, hence the war was prosecuted chiefly by volunteers from the Southern states. Thus the determination of the Southerners won for the Union a vast territory, including Texas, of 921,916 square miles.

The Gadsden Purchase.

The southern boundaries of the territory which Mexico had surrendered to the United States in 1848 were not very definitely defined, Mexico still claiming a large strip of land south of the Gila River. Even Santa Anna led an army into the disputed territory, but Mr. Gadsden, a native of South Carolina, acting under instructions from the Federal government purchased the disputed region of about 45,000 square miles, larger than the present state of Virginia, from Mexico for $10,000,000. The treaty for this addition of territory met with strong opposition from parts of the North, which feared the acquisition of any new territory to which slavery might be likely to go.

Ostend Manifesto.

No other territory was annexed before 1860, but the Southerners were undoubtedly in favor of the annexation of Cuba as evidenced by the Walker filibustering expedition. Indeed President Pierce was so moved by the Southern leaders that in 1854 he actually authorized a conference at Ostend composed of the American ministers to Great Britain, France and Spain, James Buchanan, John Y. Mason, and Pierre Soulé, respectively, to discuss the Cuban question. Two of these gentlemen were

from the South, while Buchanan, though of Pennsylvania, was something of a Southerner in sympathy. The result of the meeting at Ostend was a recommendation that Cuba should be acquired by the United States, declaring that should Spain refuse to sell it the United States would be justified in seizing it. This gave great offense to the Free Soil party and helped to increase its numbers. Doubtless Cuba would have been added under the influence of the South but for the rapid succession of events which followed the passage of the Kansas and Nebraska Bill in 1854 and the Dred Scott decision in 1856 resulting in the growth of the Republican party and the election of Abraham Lincoln as President.

The South's Attitude Toward the Government of the Acquired Territory.

Since the War of Secession, the South has played only a small part in dictating the expansion of the United States. It had no part whatever in the purchase of Alaska and scarcely any in the acquisition of Hawaii, Porto Rico and the Philippine Islands. However, Southern sympathy was not crystallized against the acquisition of the Hawaiian Islands and Porto Rico, though if we may judge from the pronunciamentos of Southern leaders, they have been opposed to the holding of the Philippine Islands as colonial possessions.

This paper would not be complete without a word with reference to the attitude of the South in the organization of territorial governments and the final admission of territories as states. First, let us look at Virginia's attitude towards the Northwest Territory, which she claimed by right of her charter, by purchase from the Indians, through the rights of the Ohio Company, and by conquest of George Rogers Clark. When Maryland refused to ratify the Ar-

ticles of Confederation unless the western lands were ceded, it was really a matter of what Virginia should do, as the claims of Connecticut and Massachusetts and New York to any of the Northwest Territory were very vague. In 1784 Virginia ceded her claim to the United States, whereupon the other states took similar action, each making certain reservations, however, for bounty lands. It was understood that these territories should be held for the common benefit of the United States and that, when sufficiently populated, they should be formed into distinct republican states to become members of the Federal Union. Thus the action of Virginia and the protest of Maryland gave to the United States its first territory. The lands north of the Ohio River were to be organized into what is known as the Northwest Territory, and Jefferson's ordinance, providing for a representative legislature as fast as the population of any section would justify such a body, passed through the Congress on April 23, 1784. Jefferson also proposed that slavery should be prohibited after 1800, but this feature of his ordinance was cut out. The Ordinance of 1787 which finally determined the government which should prevail in the territories was built upon Jefferson's ideas providing a temporary government in which laws were to be made by appointed judges, after which there was to be representative government presided over by a governor appointed by the Federal government. No special restrictions were to be placed upon the territories when they became states, except that they were to guarantee religious liberty and personal rights and to encourage general morality and education. Through the influence of New England, the Ordinance of 1787 contained a clause which provided that "there shall be neither slavery no involuntary servitude in the said territory otherwise than in the pun-

ishment of crimes whereof the party shall have been duly convicted." This ordinance was reënacted by the first Congress under the new constitution in 1790.

The general attitude of the South, therefore, was that the territories should be made into states as soon as possible on equal footing with the other states; but it was always argued by Southerners that the restriction as to slavery, which they did not themselves put into the ordinance of 1787, though Jefferson had favored it and had first embodied it in the ordinance of 1784, was after all not binding upon any state that might be admitted from new territory. Slavery was a state institution and should be determined by the states at will. In other words, any state admitted to the United States with an anti-slavery constitution might afterward change its constitution and have slaves. A new state once admitted had just exactly the same rights as any of the thirteen original states. The South always argued that a state should be admitted on the conditions which it named in its constitution without a number of changes being made by Congress.

Following the example of Virginia, South Carolina granted to the United States in 1787, the narrow strip of land, thirteen miles wide, which she claimed, and North Carolina in 1790 granted to the Federal government entire jurisdiction in what is now Tennessee. These grants were organized into the Southwest Territory with the same kind of government as that of the Northwest Territory without any restriction whatever on slavery. The Tennesseeans desired statehood at an early date, and had actually organized the state of Franklin during the Revolutionary War, but later rendered allegiance to North Carolina. Very quickly after it became organized into the Southwest Territory it applied for admission into the Union as a slave state and was ad-

mitted in 1796. It is to be remembered that North Carolina ceded this territory in 1790 with the special proviso that no regulations made or to be made by Congress should tend to emancipate slaves. Thus it was necessary for Tennessee to remain a slave territory under this contract, though it could have abolished slavery after becoming a state, while the states from the northwest under the Ordinance of 1787 had to come into the Union as free states. It is also to be remembered that when Virginia ceded her claims in the Northwest, North Carolina had offered to cede Tennessee, but the Tennesseeans were opposed to having a territorial government—one cause of their effort to organize the state of Franklin.

Out of Virginia in 1792 was organized the state of Kentucky. The people of Kentucky lived so far away from Virginia's seat of government that this action was practically imperative, hence the Virginia legislature gave its consent to the organization of the new state. The slavery question was looming up even now, and the idea of keeping the balance between the free and slave states undoubtedly influenced Virginia and the South in this matter, as Vermont was about to be admitted as a free state.

In 1802 Georgia ceded to the United States all her lands west of her present boundary and all the lands south of Tennessee were organized into the Mississippi Territory. The question of the rights of certain speculators to lands in the Yazoo region had to be settled, as this grant had been repudiated by the Georgia legislature. The United States government, however, compromised the matter by granting them 5,000,000 acres of land. The policy of selling the public lands in sections of 160 acres was also inaugurated under the direction of the Southern leaders. It is to be remembered that the unoccupied lands in all the territories were the property of the

United States, but North Carolina had already granted all the lands of Tennessee before ceding it to the Union. All the states formed out of territories were to have no jurisdiction over the public lands which belonged to the United States as to grants and taxes. Under the influence of the Southerners in the early days, these lands were sold off rapidly, but since they were chiefly in slave territory objection was raised to this practice. This gave rise in 1830 to the famous Foot Resolutions for restrictions of the sale of public lands, intending to prevent the rapid settlement of western territory and the drawing of population from the East, which would constitute in the North a laboring class. The South regarded this measure as a serious aggression on the part of the North, and the debates that followed on states rights between Hayne and Webster are memorable.

The South approved of a liberal government for the territories such as had been given to the Northwestern and to the Southwestern Territories, with the hope of an early admission of states into the Union. It on a whole favored the admission of Vermont (1791), Kentucky (1792), Tennessee (1796) and Ohio (1803). The South believed that the territories and the new states should determine their own institutions. Their desire was to promote settlement and industries, and this could best be done by the territories and the states themselves. As early as 1798, when the organization of the Mississippi Territory was being discussed, Mr. Thatcher, of Massachusetts, in the House of Representatives moved that slavery be excluded from that territory. This was defeated though approved of by a number of New England Federalists. When Louisiana was made into a territory, the South stood for a broad liberal government such as that of the Old North-

west, while the North did not wish to give the nondescript population of Louisiana so much freedom. The liberal plan was adopted over the protest of New England by a vote of 66 to 21 in the House of Representatives.

The test of the policy of the South in admitting a state into the Union from purchased territory as soon as possible was made when Louisiana was admitted in 1812. New England Federalists opposed it, but the South carried the day by a vote of 79 to 23 in the House of Representatives.

A study of the South's attitude on the admission of the states of Missouri and Texas shows that her desire was to meet the wishes of the people themselves, and that her opposition to the admission of California as a slave state is her only inconsistency. Thus it is seen that the Southern view of dealing with territories and new states has been one of the chief causes of the rapid development of the country. New England's policy in the first place would have kept our country to the east of the Mississippi River, and even after the acquisition of a large western territory would have hampered its growth.

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Chapter IV.

THE SOUTH IN POLITICAL PARTIES, 1789-1860.

Party Strength in the South.

SCARCELY had the American Revolution begun, when a group of members of the Continental Congress from the South showed a political aptitude which gave fair promise of the future when that section was to furnish the political leaders of the Union of the States, who were to direct its fortunes for seventy-two years.

A number of facts contributed to the development of this aptitude. Among these facts may be mentioned the close resemblance of life in the South to certain phases of English country life, and the conscious imitation by the Southern men of the colonial period of their English cousins, the country gentlemen, who regarded a certain interest in and knowledge of politics as a part of the necessary equipment of every man with any pretensions to position. Another cause was the training received in the long contest which had been carried on in almost every colony with the governor as the representative of either the Crown or the proprietor. This training was of course shared by the leaders in the Northern colonies. The various colonial Assemblies had been, for more than a generation before the Revolution, schools of political thought. Not a less important, and a still more distinctively

Southern reason, was the existence of slavery, with the twofold result that every plantation was a miniature government with the owner as ruler and at the same time that owner possessed the leisure to indulge a taste for politics and to give to this absorbing pastime the necessary study. In this connection, an opinion expressed by John Adams at the time of the debate on the Missouri Compromise is interesting. "If institutions are to be judged by their results in the composition of the councils of this Union, the slaveholders are much more ably represented than the simple freemen."

Even before the Revolution the Southern colonies had entered upon a particularistic movement which was to result in a general and decided opposition to strong government. This is clearly to be seen in the instructions to delegates to the Continental Congress and in other resolutions passed by the provincial congresses. It was the result of local pride, the long struggle against a government imposed upon them by the Crown, and of still greater importance, the plantation life and the large measure of independence enjoyed by the class most interested in political affairs. Consequently, when the constitution was submitted to the people of the states, it met with strong opposition in every Southern state, and ratification was even refused in one of them, North Carolina, because of the prevalent suspicion as to the nature of the newly created government. And when all the states had finally accepted the constitution, there was an issue ready-formed, which has been in essence the only permanent dividing line between parties in this country,—the nature of the constitution, the relation between the Federal government and the states. Naturally the South, in the main, went to that party which held the theory of strict construction, which regarded the constitu-

tion as a compact between sovereignties. True it was some time before it was clearly apparent that such was the tendency of the South. Ratification of the constitution by the various states was a Federalist triumph, and all opposition was disorganized and at first aimless. Political issues were not at first clearly drawn and a leader was lacking. Some crisis was necessary to transform the sluggish opposition elements into the active Anti-Federalist party, soon to assume the name Republican. The division did not become fully apparent until the close of Washington's first administration, when a strong attempt was made to oust John Adams from his position as Vice-President. Washington, while he adhered to Federalist principles, may be said to have been above party.

Under the influence of the war between France and Great Britain, a clearer division is apparent. The South and the Republican party generally was full of sympathy for France. Jefferson was a leader in this sentiment, and under his influence an active opposition developed to Adams who was friendly to Great Britain. Adams was elected President in 1796, but received only nine electoral votes from the South, seven of which were from Maryland, one from Virginia, and one from North Carolina, while Jefferson received fifty-four. At the same time the number of Federalist members of Congress from the South was largely decreased. Party division became still more definite during Adams's administration largely on account of the Alien and Sedition laws and the resulting Virginia and Kentucky Resolutions, which may well be called the first political platform of any party in the United States. They were accepted as sound Republican doctrine and continued to be of profound influence upon party thought for many years. The Democratic platforms

from 1844 to 1856 all declared that "Every attempt * * * ought to be resisted with the same spirit which swept the Alien and Sedition laws from our statute book." The resolutions of 1798 and 1799 were also contained in the platforms of 1848 and 1852.

In 1800, Jefferson received fifty-three electoral votes from the South and Adams once more received nine, five from Maryland, which inclined towards Federalist doctrines, and four from North Carolina where certain Federalist leaders had great influence. In 1804, the Federalist vote dwindled to two, still from Maryland, but rose to five in 1808 when North Carolina gave three votes to Pinckney and South Carolina gave two. In 1812, Maryland cast five votes for Clinton, the only opposition votes cast in the South, and in 1816 and 1820 all the Southern states voted for Monroe. The South was solid, not as later for the protection of distinct Southern interests, but simply because of the prevalence of Republican opinions. The Federalist party was of course dead by this time, but it never had a real foothold in the South. It first appeared likely that Maryland and South Carolina would be Federalist states, but the former was soon divided, and in 1800 South Carolina cast her lot finally with the Republican party. Several things may be mentioned as bringing about this solidarity. In the first place, sectional differences were already exerting an influence; then the leaders of the Republican party were from the South, Jefferson, of course, easily the greatest of them; and finally, and this is by far the most important reason, the Republican ideals of government were those of the dominant element in every Southern state. Centralization, aristocratic tendencies in government, found no place in the South where socially the aristocratic tendency was

marked. Politically, the tendency was all the other way. Even the Federalists in the South were not of the Hamiltonian type, much less that of New England. For example, nearly every prominent Federalist in the South was a states rights man. John Marshall, who did more than any other man, not even excepting Hamilton, to perpetuate Federalist principles in our political system, it is true, was a Virginian. But James Iredell, another Southern Federalist, wrote the celebrated dissenting opinion in the case of Chisholm *v.* Georgia, which led to the adoption of the Eleventh Amendment, which in its turn was a long step in recognition of the rights of the states. This tendency explains why certain Federalists were sent to Congress from Southern districts long after the party had lost all influence in the South, and why certain localities, notably Charleston, where it is true aristocratic tendencies were particularly strong, were long controlled by Federalists. Had these leaders shared the extreme political views of the Northern Federalists, their leadership would soon have failed. The state governments of the South were all in control of the Republicans early in the century and this continued to be the case until the close of the "Era of Good Feeling."

The solidarity of the South disappeared, however, in the election of 1824. Jackson received the greatest number of Southern electoral votes, fifty-five, not quite a majority of the entire Southern vote, while Crawford received thirty-four, Clay seventeen, and Adams five. When the election went to the House of Representatives, Maryland, Louisiana, Kentucky and Missouri voted for Adams; South Carolina, Alabama, Mississippi and Tennessee for Jackson; and Virginia, North Carolina and Georgia for Crawford. Political conditions were chaotic,

and while the Republican party had lost its unity, faction had not yet given way to definite party division. Men rather than principles were the issues of the times. This was apparently still the case in 1828, but the personalities of the candidates were fairly indicative of different political doctrines. Jackson, with the exception of six votes from Maryland which went to Adams, was the unanimous choice of the Southern electors. Of the popular vote, he received 229,011 to his opponent's 96,241. Once more the South displayed a tendency towards political solidarity. Jackson was the perfect representative of the New Democracy, just coming to the front, and the new movement was distinctly one of the West and South. Once more the South followed a Southern leader into the organization of what was essentially a new party, though retaining much of the old. In this division of the Democratic-Republican party, Henry Clay, the leader of the opposition, was also from the South, and the South showed a greater tendency towards division than had ever been the case before. Still, in the election of 1832, Clay only succeeded in securing the electoral votes of Maryland and Kentucky, all the rest going to Jackson except those of South Carolina, where hatred of Jackson was intense on account of the recent Nullification quarrel. But, as can be seen in the table below, the popular vote was more evenly divided than had been the case in 1828. This growth of opposition strength was still more apparent by 1836 when gains had been made in state and congressional elections, and when, although the electoral vote of seven states went to Van Buren, Maryland and Kentucky voted for Harrison, Georgia and Tennessee for White, and South Carolina for Mangum. The popular vote showed a substantial Whig majority. And following this tendency, increased by

the events of Van Buren's administration, the South in 1840 gave the Whig candidate the electoral vote of seven states, Maryland, North Carolina, Georgia, Mississippi, Louisiana, Kentucky and Tennessee, seventy-five in all; the Democrats secured only forty-eight. The Whig popular majority was still further increased. The following table gives the popular vote from 1832 to 1840:

Year.	Democratic.	Whig.
1832	178,530	82,534
1836	208,540	238,623
1840	314,381	368,963

With the election of 1844 the slavery question appears as a factor of increasing importance and a new political epoch commences. More and more political thought in the South was to be dominated by this question, and less and less consideration was to be given to other matters. Van Buren's nomination was prevented by the attitude of the South, and Polk, brought in as a dark horse, became the standard bearer against Henry Clay, making his final campaign. Polk was elected because the country desired the annexation of Texas. But in spite of Southern anxiety for annexation, he lost Maryland, North Carolina, Kentucky and Tennessee, all of which voted for Clay. North Carolina at this time had a powerful Whig organization perfected by Mangum years before and this secured the electoral vote of the state for the Whigs until 1852. The other three states had also become Whig strongholds, and slavery was in none of them of greatest economic or political importance.

More striking still is the example furnished by the election of 1848 of the influence of slavery as tending to sectionalism. General Taylor, the Whig candidate, was a Southerner and a slaveholder with practically nothing known of his political opinions.

Cass, although from the North, was friendly to the South and sound on the slavery question. Both carried seven states, but Taylor secured sixty-three electoral votes to Cass's fifty-five and Taylor had a majority of the popular vote. Taylor, the military hero, was doubtless popular, but it was Taylor, the Southern slaveholder, who was trusted and who secured the votes. Sectional feeling was stronger than the bond of party allegiance.

During the years from 1848 to 1852 slavery was the greatest topic of popular political discussion. Public sentiment in the South began to solidify rapidly, and at the election of 1852 the Whigs carried only Kentucky and Tennessee. Four years later the Whig party, practically dead, carried only Maryland of the Southern states.

The creation and rapid development of the Republican party had much to do with this condition of affairs. A glance at the popular vote shows that opposition to Democracy was far from dead in the South, and had it not been for the threat of the success of the sectional Republican party, Democratic supremacy in the South would have been seriously threatened. The Democratic majority in the South, under the influence of this feeling, was increased from 79,530 in 1852 to 130,158 in 1856. During the whole period many Whig senators and representatives were elected in the South and in scarcely any state did the Democratic party have an unobstructed course. The American party gathered in many of the opposition who were left without national affiliations by the death of the Whig party, and who hoped that here was the beginning of a new national party. In nearly all the Southern states the Whigs maintained their state organiza-

tions and resisted strenuously the steady approach of absorption by the Democracy. But one by one the leaders left the party on the slavery issue, and, deserted by the Northern Whigs, the party in the South lost its power and influence. Union with the Democratic party was hateful; with the Republican party it was impossible.

The situation in 1860 gave rise to strong hopes among the Southern Whigs. The division of the Democratic party made the time seem ripe for the creation of a new national party in which Whig principles should predominate. Taking advantage of the condition of the country, they went before the people with the safest and strongest platform they could have adopted: *The Constitution, the Union and the Enforcement of the Laws.* Union sentiment and old Whig feeling was strong enough, in the face of Democratic division, in Virginia, Kentucky and Tennessee to give their electoral vote to Bell and Everett, the candidates of the new party.

The National Democratic party at the Charleston convention broke from Southern control and adopted a platform which was unacceptable to the Southern wing of the party, which withdrew from the convention. Douglas, representing the Northern wing, carried Missouri, where sentiment was strongly Western, and where, although a slave state, the slavery influence was not so marked as elsewhere in the South. The other Southern states, not already mentioned, voted for Breckenridge, the candidate of the Southern wing. The figures of the popular vote are interesting, particularly in showing the strength of the old Whig element. Douglas received 164,502; Breckenridge, 563,714; and Bell, 512,109. Lincoln was voted for in Kentucky, Maryland, Missouri and Virginia, and received a total vote of 22,615. The

popular vote from 1844 to 1856 is given for reference:

Year.	Democratic.	Whig.
1844	405,177	381,405
1848	404,086	428,271
1852	439,951	360,421
1856	603,875	473,717

Southern Political Leadership.

The discussion has to this point been confined to the political position of the South from the adoption of the Federal Constitution until 1860. Consistency at least marked its course even though not always to its own advantage. Still more interesting is the story of what had been contributed by the South to the political life and thought of the nation. Senator Hammond, when he told Seward in 1858 that the government of the Union had been in the hands of slaveholders for seventy years, spoke truly. Never during that time was their influence other than paramount and consequently we find much of Southern sentiment, dominant in the various parties, expressed or reflected in party platforms. A characterization of the political leaders and an examination of the various platforms is necessary to a full understanding of this fact.

The South has furnished to the country four great leaders of political thought: Jefferson, America's foremost political theorist, the moulder of the Democratic-Republican party, and the greatest of the four; Jackson, utterly devoid of political theory, but a born leader of men, and the exponent of a great movement, social and political; Clay, wonderful in his power of attracting and holding friends and followers, and the founder of the Whig party; and finally, Calhoun, first national, but later sectional in sympathy, a devoted lover of the Union, but the foremost exponent of states rights doctrine. Of the four, Calhoun and Jackson, although there are many

points of resemblance, stand in sharpest contrast. Calhoun was almost lacking in a knowledge of what is called practical politics; Jackson knew nothing of and cared less for political theory.

Of the four, Jefferson naturally had the greatest influence upon American politics. No man has so profoundly impressed his theories of government upon the nation as he. It is true that to-day these theories seem essentially American, but he made them so. For, in his day, it was a question what would be American political theory. And to-day, not only the two great parties, but almost every other in the United States pays tribute to the political genius of the great leader. Nor was his greatness in theory alone; for, more than any other man, he was the founder of the great Democratic-Republican party. He organized the discordant and warring elements of the Anti-Federalists into an harmonious and united whole, and, furnishing a platform in the Virginia and Kentucky Resolutions, led them to victory, and by the ability of his administration secured for his party a long lease of power. The triumph of his theories and the absorption of his party of what was best of Federalism prevented any further success of the latter party.

Jackson comes into view, not because he was a leader of thought, but because he was a leader of men, and was himself the best expression of the New Democracy of the West and Southwest. In him it found almost perfect expression, and through the influence of his personality converts were made throughout the country. His practical attitude towards Nullification did almost if not quite as much to develop a national feeling, a new sentiment of Union, as did the powerful oratory of Daniel Webster. Impulsive, often ignorant and mistaken, his faults and mistakes were those of his immediate

section and were forgotten in the face of his achievements. And he greatly influenced the future political development of the country.

Clay also, though not lacking originality in legislative matters, was rather an exponent than an originator of political ideas. But far more than Jackson he was the creator of a party, the leader of thought. Representing the reactionary and conservative elements of the Democratic-Republican party, his leadership and his energy fused those elements into a new party in which he was always, until his death, the foremost and chief figure, but which never succeeded in gratifying his ambition to be President. Fully as national in belief as Jackson, and far more so in his sympathies and general attitude, Clay was lacking in the decision which marked the character of Jackson, and for that matter, of Jefferson and Calhoun, and more than any of them he favored compromise in political and sectional disputes.

Calhoun alone of the four, in the fulness of his powers, represented a section. He was naturally the political heir of Jefferson, but was stronger in logic and bolder in action than was the former. He was in fact the most profound logician of our history in spite of the illogical position into which the condition of the country carried him at the time of the Nullification quarrel. His very logic was partially responsible for his getting out of the current of the broad stream of national government. His early public service showed in him a broad national spirit, but the force of national conditions and environment together were too strong for him and he soon, in defence of his section and more particularly of his native state, became the foremost exponent and defender of the rights of the states. Brilliant in intellect, above reproach in character, he led the

HENRY CLAY.

dominant party of his section and gave the impress of his political theories for many years to that party in the nation. A tribute to him from Webster is not amiss: "He had the basis, the indispensable basis of all high characters and that was unspotted integrity, and unimpeached honor and character." Although representing that extreme theory of the nature of the government which was doomed to destruction, he, nevertheless, was one of the great political leaders of the country.

Of party leaders of national distinction, the South furnished not a few, many of them of real greatness. Madison, Monroe, Marshall, Randolph, Macon, Crawford, Pinkney, Pinckney, Hayne, Lowndes, Yancey, Toombs, Davis, and a host of others of less eminence, had great influence and won more or less fame. It was the strength and influence of these party leaders which made Southern influence so predominant in national affairs in the years before the War of Secession. A close student of the subject has recently said:

"In 1851 Southern pro-slavery statesmen were the most powerful group of men in the country. They dictated platforms, inspired executive policy in domestic and foreign affairs, and exercised in Congress an almost unbroken parliamentary supremacy. Utterly fearless in debate, they assumed and maintained a masterful control over the less belligerent Northerners, overawing them by their greater fluency of speech, their readiness to resort to personalities, and their hot tempers, which the social influence of the slave-holding South had not taught them to bridle."

Southern Influence in Government.

The foregoing discussion naturally leads to an investigation of the ways in which the dominant in-

fluence of the South was manifested in the actual workings of the government. For many years little influence exerted upon the executive is noticeable. Washington was without sectional feeling, and while Jefferson, Madison, and Monroe were thoroughly in sympathy with the South, sectional divergence had not yet becomes fully apparent. In Jackson the South found expression of its strict construction of the constitution. He also in his annual message of 1835 urged that the mails should be closed for abolition literature.

President Van Buren was influenced but little by the South, and no special occasion arose during his administration for an expression of political opinion where there was a distinct sectional issue. But in his inaugural address he spoke of the protection of slavery to which the South was entitled, and it is not doubtful what his attitude would have been at this time had an issue been drawn. Harrison also took occasion in his inaugural address to urge in a guarded way that the North should refrain from anti-slavery agitation.

From Tyler might have been expected strong expression of Southern sentiment. But he can scarcely be said to have advocated anything in his messages that was distinctively Southern nor were his vetoes an expression of merely sectional ideas. His desire for the annexation of Texas represents, not subserviency to the slavery interest but the Anglo-Saxon theory of expansion prevalent in all sections of the United States. But all the influence of the slave-holding states was exerted in favor of annexation.

President Polk frequently called attention to the subject of slavery and the danger of agitation of the question. A Southerner, he held the extreme Southern doctrine of states rights, which he alluded to constantly. But President Taylor, another South-

erner, under the influence of William H. Seward, became hostile to the increasing demands of the South. Fillmore, who succeeded him, had favored the Compromise of 1850 when Taylor was opposed to it, and was much influenced by the South. His second annual message contains a sharp criticism of the North for its failure to enforce the Fugitive Slave law.

In President Pierce the South found an executive who held the Southern view of the rights of the states, and all four of his annual messages contain clear expositions of his constitutional theories. This is partially explained by his being a Democrat of the old school, but the best explanation is his reliance on Jefferson Davis, his secretary of war, and the influence exerted by the latter. It has often been stated that both Pierce and Buchanan were controlled in their attitude towards Kansas by Southern advisers. This is probably in part true, but to the fair-minded it is evident that praise should be given them on account of the part thus played. For example, Mr. Davis's part in the Kansas matter was distinctly creditable to himself and to Pierce's administration.

President Buchanan was acceptable to the South on account of his well-known states rights views, and his nomination was brought about by the South. His cabinet had in it three Southern men and it might have been expected that their influence would be very great. But the President's view of the rights of the states stopped short of secession, and after the secession of the Southern states began, the influence of the Southern members of the cabinet declined steadily until all had resigned.

While mention is being made of the relation of the South to the executive, it is interesting to note its political prominence as evidenced by executive

positions. Eight Southern men had been President up to 1860, filling the executive chair for forty-nine years and one month, and six had been Vice-President. Up to 1860 of the one hundred and forty-four cabinet positions, ninety-three were filled by Southerners distributed as follows: secretary of state, fourteen; secretary of the treasury, six; secretary of war, eighteen; secretary of the navy, fourteen; secretary of the interior, three; attorney-general, fifteen; postmaster-general, seven. Of the thirty-six justices of the Supreme Court before 1860, twenty, including three chief justices, were from the South.

To discuss the creative work of Southern statesmen as expressed in law would require an exhaustive study of national legislation. In the legislative branch of the government as in the executive, their influence for many years was paramount. But certain great debates and some of the laws passed by Congress deserve mention here at least, as illustrative of Southern sentiment. The fugitive slave law of 1793 while demanded by the South was not regarded as of great importance by the North and attracted but little attention at the time. The first appearance of the tendency of the South to unite because of sectional interests is to be seen in the debate on the tariff bill of 1824. This was still more apparent in the debate on the tariff of 1828. This measure which became a law in spite of the almost solid opposition vote of the South, was the direct cause of Nullification in South Carolina. Indirectly it was the underlying cause of the Hayne-Webster debate with its exposition of the Southern theory of the nature of the Union by Hayne and the magnificent defence by Webster of the national idea. And as a further result the South forced upon Clay and the North the compromise tariff of 1833 which

led to a return to the revenue basis for the tariff, more in accord with Southern ideas and interests.

Of still greater interest and importance are the debates on the Compromise of 1850. Here Southern sentiment was clearly and forcibly expressed and here the South forced upon the country the passage of the compromise with its fugitive slave law, destined to be bitterly disastrous to the very interest it was designed to protect.

An interesting fact in this connection and illustrative of the South's position in the national legislative halls is the number of men from the South who presided over the two houses of Congress. To 1860 the presidency *pro tempore* of the Senate had been filled forty-three times by twenty-four Southern men. In the same period the speakership of the House was held twenty-eight times by sixteen Southern men.

Southern Influence in Party Platforms.

In party platforms Southern influence is even more apparent. As has been mentioned, the Virginia and Kentucky Resolutions were the first political platforms in our history. Prepared by Madison and Jefferson and entirely inspired by the latter they were thoroughly representative of Southern sentiment and theory. Naturally one turns first to the Democratic platforms for here of course was to be seen the greatest Southern influence. The platform of 1840 furnishes the first example. The South had forced upon the party its free trade attitude and this found expression in the fourth resolution. So also a resolution, declaring that Congress had no power to interfere with slavery and condemning the abolitionists, shows Southern sentiment, shared at this time, however, by their Northern brethren. These resolutions were affirmed in

1844, 1848, 1852, and 1856. The platform of 1852 also pledged the party's adherence to the Compromise of 1850 and denounced any renewal of the slavery agitations. Mention has been made to the constant allusion to the Virginia and Kentucky Resolutions. In 1852 the party pledged its support to the principles therein contained. This was reaffirmed in 1856 and the platform extended by a series of radical pro-slavery resolutions, and an outspoken states rights declaration. The Breckenridge platform of 1860 was of course a statement of Southern doctrine. The Whig party usually contrived to avoid the danger of a statement of political principles. But in 1852 when a platform was adopted, Southern influence was great enough to secure a declaration of support of the Compromise of 1850.

In the one American platform no peculiarly Southern sentiment is to be noted. It is, however, worthy of note that the Third or "Union" degree of the Know Nothings was prepared and proposed by Kenneth Rayner, a Southern member.

Conditions in the South have furnished material for many declarations of the Republican platforms but never has the statement of the party's faith contained any Southern sentiment of principle.

General Conclusions.

Enough has been outlined in this sketch of the South in relation to the various political parties of the country prior to 1860 to permit the drawing of certain conclusions. First, that in the person of Thomas Jefferson, the South gave to the nation its foremost political theorist and political leader. Second, that in Jackson, Clay and Calhoun, the South produced three of the four remaining great national leaders, and so far as birth and blood are concerned, produced one other, Abraham Lincoln.

Third, that in the period from the adoption of the constitution until 1860 a large number of public men of unusual ability appeared in the South, whose influence was so great that for practically all that time the South was dominant in Congress, in the White House, and in the Supreme Court. As has been mentioned, Marshall, the greatest of all the great men who have been members of that lofty tribunal, was in sympathy and conviction a Federalist and his views were contrary to those of his section. But Taney, who succeeded him, fully as impartial, was as clearly of Democratic and Southern sentiment and convictions. Fourth, that this dominant influence was exerted until 1844 mainly in a constructive way, but from that time on, as the attacks upon slavery grew more bitter and persistent, it was employed defensively and the South grew solid. Towards the end of the period, to all appearance, the South was aggressive in the interest of slavery, but it was the last struggle in behalf of a doomed and perishing institution in which the leaders made the most extreme demands only as a protection for it. Fifth, that the spectacular rise of the Republican party and its victory in 1860 forced the South to exercise a right taught by its party's ancient creed and secession was entered upon as a last resort from oppression. This oppression, in the main, threatened rather than actual, was a very real menace to the South familiar with the aims and methods of the abolitionists, the speeches and opinions of Lincoln and Seward, the personal liberty laws of the Northern states, the John Brown raid, and the public sympathy for it so freely expressed in the North. Sixth, that having been forced as a section into the Democratic party before the war for defensive reasons, the South was, after the war, hurled into the arms of that party as a refuge from the horrors of

Reconstruction, and under the pressure of a racial influence, never made lighter by the Republican party, has there remained. See article in this volume *The South in Political Parties,* 1860-1909.

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Chapter V.

THE MASSES AND THE CLASSES IN SOUTHERN POLITICS.

THE French jurist and publicist, Alexis DeTocqueville, who made the first thorough study of American institutions from the non-partisan standpoint of a foreigner—"with no design," as he says, "of serving or attacking any party"—discovered that the American people were divided politically between two opinions, which, to use his own Gallicism, "are as old as the world" the one tending to limit and the other to extend, indefinitely, the power of the common people. "I do not assert," says M. DeTocqueville, "that the ostensible end, or even that the secret aim of Amer-

ican parties is to promote the rule of aristocracy or democracy in the country; but I affirm that aristocratic or democratic passions may easily be detected at the bottom of all parties, and that although they escape a superficial observation, they are the main point and the very soul of every faction in the United States." These observations were made in the decade of the thirties, in the light of the masterful and successful fight which Andrew Jackson, with the support of the common people, had made against the National Bank, backed by the allied moneyed interests of the country. But does this line of demarcation, which DeTocqueville observed as fundamental at that time, hold good in other periods of our political history? Is it true that the *normal* line of cleavage between political parties under our free institutions has always been the same that it was in the Roman republic—between the *populares* and the *optimates,* or the "possessors" and the "non-possessors"? In approaching any discussion of this subject it must, of course, be borne in mind that an aristocracy of birth is easily merged into or displaced by an aristocracy of wealth. Just as in the later days of the Roman republic, we find some of the descendants of the proudest patrician families allied with the struggling masses against the grasping possessors, so in our own republic we, to-day, find scions of the old planter aristocracy of the South in close affiliation with the common people in resisting what they consider the encroaching privileges and power of the newly rich.

Common People Opposed "Closer Union."

When the "embattled farmers" of the Revolution had succeeded in winning their independence from the English Crown, in spite of the defection of many rich, aristocratic, office-holding loyalists or "To-

ries," they knew and dreamed only of one kind of tyranny—that of the arbitrary executive power of the government against which they had revolted; and they were loath to set up another government which might, in turn, become a new agency of oppression. A glance at such contemporary sources as Elliot's *Debates* is enough to show that the opposition to the formation of "a closer union" than that established by the Articles of Confederation came, in large part, from the common people. After the adoption of the constitution, framed at Philadelphia in 1787, the same political element believed that its safety depended upon limiting the powers of the Federal government strictly to the grants of that instrument—hence the people's party, known in its origin as the Anti-Federalist party, became, under the new government, the party of "strict construction." On the other hand, it was to the interest of the followers of Hamilton—the *optimates,* if you please—to give a loose or liberal construction to the constitution in order to enlarge the powers of the Federal government which they controlled. So, beneath the struggle between the loose and the strict constructionists in the first days of the republic was hidden "the irrepressible conflict" between the masses and the classes.

Hamilton's Financial Measures Forced Alliance Between Planter Aristocracy and People's Party.

However, it happened in the first administration of Washington that the party of the people, led and in a sense founded by Jefferson, an aristocrat by birth—at least on his maternal line—but essentially a democrat in political conviction, received a strong accession from the planter aristocracy of the South, except in South Carolina. When the government under the constitution went into effect, there was no

definite indication that the people's party—the party of strict construction—would be the dominant one in the South. The mighty influence of men like Washington and John Marshall in Virginia, and of the Pinckneys in South Carolina, was on the side of a strong central government, although perhaps they did not go to the length of Hamilton in his disdainful distrust of the people. It would appear but natural that the planter aristocracy of the South should have found its natural political resting-place in the party which at that time contained the larger part of the wealth and intelligence of the country, the Federalist party. But in that formative period of parties, Hamilton's famous report on the settlement of the public debt—made in furtherance of his general policy of an alliance between the Federal government and the moneyed classes—had an effect little anticipated, perhaps, by its author. When he proposed to pay the last farthing, the principal and interest not only of the foreign and the domestic debts of the old Confederacy, but also the debts of the individual states incurred during the Revolution, he touched too heavily the material interests of the Virginia planters—to say nothing of the question involved as to the powers of the Federal government—for them to pass it by without resentment.

South Carolina had a heavy war debt of which this measure would relieve her, so she remained Federalist for a generation; but it was different with the planter element in Virginia and elsewhere in the South. They did not relish the idea of being taxed to enrich Northern speculators who had bought up the domestic debts of the Confederacy and of the individual states at heavy discounts—although the "capital bargain" did result in the success of Hamilton's scheme for attaching to the new Federal government the "money power" of the New England

and Middle States. It was at this point in our political history that the planter aristocracy began to cement that alliance with the party of the people—the party of strict construction—which in after years they were to use as a bulwark in defense of their peculiar institution of African slavery. We can now look back and see, in a broad generalization of causes and effects in our history, that the sectionalization of political parties, which African slavery and its after affects fostered and continued, fairly began with the debt settlement championed by Hamilton. It was here, for illustration, that James Madison, the father of the Constitution, who had shared with Hamilton and Jay the authorship of the *Federalist* papers, became one of the great leaders of the party of strict construction in opposition to Hamilton's financial measures.

Federation Retained Strongholds in South.

But it must not be inferred that the party of the people, known in its early history as the Democratic-Republican party, absorbed at once all of the planter aristocracy of the slaveholding states. On the contrary, there continued to be strongholds of Federalism in the South, even outside of South Carolina; and the later Whig party, the inheritor of the policies and principles of its Federalist predecessor, held in its rank many of the wealthiest slaveowners until the slavery issue had reached its acutest phases. One of the most interesting reminders of this fact is found in the *Memoirs of Jefferson Davis,* by his widow, the late Mrs. Varina Jefferson Davis. Writing of the period of Van Buren's administration, Mrs. Davis says that "most of the *gentlefolk* of Natchez (Mississippi) were Whigs," and in a letter to her mother giving her first impressions of her future husband, she wrote: "Would you believe it,

he is refined and cultivated, and yet he is a *Democrat!"*. The number of bound volumes of Gales and Seaton's *National Intelligencer,* for many years the textbook and Bible of Whig politicians, to be found to-day as heirlooms in Southern homes, is a proof that the wealthy planters of the Natchez district were not alone of their class in hostility to the Democratic organization. During the reconstruction period it was not hard to find all throughout the South grizzly old veterans of the former planter caste, who had followed the leadership of "Harry of the West" in many hard-fought political battles, who, although then supporting the Democratic party because of the race issue, felt that they owed an apology for their later day political affiliations; and it was not an uncommon thing to hear them declare, in spite of their present party membership, that they were and always had been "Henry Clay Whigs!"

Construction of Constitution Not the Normal Line of Division Between Political Parties.

That the loose or strict construction of the constitution has not been, in a last analysis, the normal line of division between political parties can be shown from a hurried glance at our early political history. The first formal declaration of strict construction principles was contained in the famous Kentucky and Virginia resolutions of 1798-99, which were a strong protest against a great stretch of the constitution in the passage of the Alien-and-Sedition laws by a Federalist congress and their approval by a Federalist president. But it may be doubted whether John Adams, in his approval of these un-American measures, went further away from the constitution, in form at least, than his Democratic-Republican successor, Jefferson, went when he purchased the Louisiana territory. Again, when the

Federalist party, in Washington's first administration, proposed to charter a national bank, the strict constructionists opposed it because it was outside of the powers conferred directly upon Congress by the constitution; but when they themselves were in power, in Madison's second administration, they saw no insuperable constitutional objection to chartering a second national bank and some of them even quoted approvingly the famous argument which Hamilton had submitted to Washington in favor of the first bank. Before this last change of front, the attitude of Federalist New England in resisting the strong war measures of a Democratic-Republican administration in the War of 1812, culminating in the Hartford convention, showed how far the Federalist party when out of power had forgotten its loose constructionist principles and had embraced the opposite doctrines. So, through all our political history it appears that the matter of a loose or a strict construction of the constitution has been, to some extent, a question of the *ins* and *outs*—the party in power generally seeking to enlarge the powers of the general government by a liberal construction of the constitution, and the party out of power striving to hold its rival in check by a strict construction of that instrument.

Jefferson and Jackson Established Democracy.

It is a coincidence worth noting perhaps that the two great leaders of the party of the people in its heroic days were born respectively in the two most aristocratic of the slaveholding states—Jefferson, in Virginia, and Jackson, as he claimed, in South Carolina. It is worthy of remark also, that they came from different strata in Southern social life; but each had in his veins a dash of the blood of the great liberty-loving Celtic race which proved itself

no unworthy foe of the legions of Cæsar and of Agricola centuries "before Saxon had set foot on the shores of Britain." Jefferson was of Welsh descent; but for generations his ancestry had been identified, especially on his mother's side, with the planter aristocracy of Virginia. Jackson was the son of a non-slaveowning Scotch-Irish immigrant, who had pushed southwestward in the great tide that was crossing the Appalachians and peopling the Central South and West. Jefferson's belief in the political wisdom of the masses was "philosophical and academic"; but Jackson's democracy was bred in his bones. The first triumph of the party of the people in the election of Jefferson, while it put an end to the ceremonial imitations of European royalty in public functions which Washington and Adams had maintained, still left the government largely in the hands of an office-holding aristocracy; for there was no wholesale turning over of the spoils of office to the voters who had won the victory. It was only in what has been called the "second" birth of the Democratic party in the election of Andrew Jackson to the presidency that the common people came into possession of what they considered their own. The reign of "Virginia planters and Harvard professors" was over. The future belonged to the new democracy which was hewing out homes in the frontiers west of the Appalachians.

It has been said that Jackson was the first "American" president; and there is a modicum of truth in the statement. His predecessors were in the main collegebred English gentlemen whom the fortune of colonization had caused to be born outside of England, but Jackson was a product of genuine American backwoods conditions. The common people felt that he was one of themselves, and in his attacks upon an office-holding aristocracy

and upon the "money power" represented by the United States bank, they stood by him with unshaken allegiance, and even put the seal of their approval upon his man Van Buren, whom he had anointed as his successor. It is said facetiously that even now, in one of the hill counties of Alabama that bears his name, old men still quadrennially totter to the polls and vote for Andrew Jackson for President of the United States!

As Jefferson gave the people their ideals and hopes of democracy, Jackson gave them its actuality in ruthlessly thrusting aside a privileged office-holding class, and in grinding beneath his iron heel the hated "plutocracy" intrenched in the charter of a national bank.

Non-Slaveowners' Loyal Pro-slavery Democrats.

At first glance it would appear reasonable that the hostility of the non-slaveowning masses—always vastly in the majority—to the slaveowning classes would have prevented their affiliation to any great extent in the same political party. Hinton R. Helper, of North Carolina, saw plainly the vast economic disadvantage of the non-slaveowners; but his *Impending Crisis* fell for the most part upon deaf ears among the illiterate masses to whom it appealed. The hostility of the non-slaveowner, irrational as it may appear, was not directed so much to the slaveowner as to the hapless victim of the institution. There was a strong antipathy between the negro and the "poor whites" of the South; and this feeling could always be counted upon to hold the latter class to the support of the party which was most earnestly committed to the continuation and spread of slavery. Moreover, the non-slaveowner was constantly becoming the slaveowner. The thrifty small farmer, who had saved a few hundred dollars and

invested it in a negro, had all the interest and feeling of those of the dominant planter class who numbered their slaves by the scores and hundreds. The step from the non-slaveowning "overseer" to the slaveowning planter was one that could easily be made by middle life; and many strong young men of the South, reared to work with their own hands, looked forward to that end as the goal of their ambition. When, therefore, in the era of the struggle to carry slavery into the territory west of the Mississippi, the slaveowning Whigs realized that their views of slavery extension could best be maintained through the strict construction principles of the Democratic organization and began to change their party membership—using in some cases "Know-Nothingism" as a stepping-stone—the non-slaveowners of the South remained loyal to the Democratic party with its pro-slavery bias. Thus the solidification of the white voters of the South was in a measure effected. But it was found that the Northern Democracy would not go to the length of the pro-slavery demands of the Southern wing of the party—as embodied in the Dred Scott decision—and there came the fatal division at Charleston in 1860.

Slaveowners and Non-Slaveowners United Against North.

The election of Lincoln, with its dreaded emancipation sequel, was just as deplorable to the poor whites of the South as to the planter aristocracy—illogical as it may appear. And when secession and war came, the non-slaveholding masses—if we except those of East Tennessee and generally of the mountainous regions of the South—stood with just as great unanimity in support of slavery as the slaveowners themselves. In fact, the man in gray with a musket in his hands at Chickamauga and at

Cold Harbor and on scores of other fields of Southern valor, was for the most part the non-slaveowner. The dashing Confederate cavalry led by Stuart and Forrest and Wheeler came chiefly from the slaveowning class, men who were able to equip themselves for mounted service; but the rank and file of the superb infantry of the Southern armies was drawn chiefly from the non-slaveowners. And strange, again, as it may appear, when the end came with the abolition of slavery and the consequent decay of the planter aristocracy, many of the sincerest mourners of the downfall of the old régime were found among the non-slaveowners, whom this result had given, in some sense, their first great chance in life.

Reconstruction Forced Unionists and Secessionists into "Solid South."

After the enfranchisement of the negro, there was an issue in the South paramount to every other, and in the face of which whatever opposing interests there might have been between the *populares* and the *optimates* were held in abeyance. Even in the states of the lower South there had been more or less of opposition among the people of all classes to the secession movement. For instance, in the Alabama convention the final vote upon the ordinance of secession stood, "ayes," sixty-one; "noes," thirty-nine. However, after the state had seceded, the vast majority of the former "Union men," still holding to the doctrine of state sovereignty, cast in their lots with the majority, although many of them foresaw the hopelessness of the impending struggle. This "Union" element was one of power and influence in the South at the close of the war; its predictions in the days of secession had proven true; but in spite of its opposition to that movement, it had been loyal

to the South in the days of its direst need. Had the Republican majority in Congress built its reconstruction policy upon this element, instead of building upon the ignorant negro and the unscrupulous "carpetbagger," the solid South of which we have heard so much might never have had a political existence. But in the threatened Africanization of the South, the "Union men" and the "secessionists," the "rebel brigadier" and the humblest ex-Confederate became one politically, and so remained as long as there was a shadow of a threat of negro domination. "Blood is thicker than water," and wherever the race issue raises its head in the South, the bickerings between the masses and the classes of the dominant race are hushed.

The Modern Movement.

But the ghost of negro domination is year by year losing its terrors. The suffrage clauses in the new state constitutions of the lower South have made harmless, for the time being at least, the provisions of the Fifteenth amendment; and with the removal of the imminence of the race issue, there are persistent indications of a division of the white people along such normal lines as existed in the early days of the republic—before the slavery issue and those growing out of it, became the overshadowing ones. In the early nineties, the new people's party—christened by its opponents the "populite" or "populist" party—made almost as rapid headway for a while in the South as it did in the Northwest. Curious as it may seem, South Carolina, the coast country of which had been the home of the most exclusive slaveholding aristocracy, became the storm centre of the new ideas, although it did not accept the new organization. In that state the masses were strong enough to control at once the Democratic

organization and to retire the leaders of the old conservative régime; and the movement there developed a new leadership as forceful as that which the "up-countryman," Calhoun, gave to the planter aristocracy in the era of the slavery and nullification issues. Elsewhere in the South the movement resulted in something of a compromise; but the common people were strong enough, even where the old leadership was retained, to engraft many of their demands upon the policy of the Democratic organization.

A striking phenomenon of this new people's movement which has practically acquired control of the Democratic organization in most of the Southern states, is that it does not follow the lines of strict construction. It is nearer to the radical, national democracy of Jackson than to the conservative, states-rights democracy of Jefferson. The reason for this is apparent to those who understand that economic conditions always underlie political policies and principles. The application of steam power has resulted in massing vast agencies of production and transportation in the hands of the few; and the common people have found themselves face to face with a tyranny which they consider more galling than that which forced their forefathers to take up arms against the English king—the tyranny of organized "predatory wealth." The same class, therefore, which in the days of Jefferson insisted that "that government is best which governs least," is to-day demanding that government shall protect it against exhorbitant charges by owning or strictly controlling the lines of travel and transportation and by destroying private monopolies of every kind. "Paternalism" no longer has any terrors for the common people; on the other hand, they see in gov-

ernmental protection their only refuge from the greed of growing combinations of capital.

The control of the national Democratic convention at Chicago in 1896 by the radical or reform wing of the party stayed the rising tide of populism and held within the Democratic organization the great rural and agricultural masses of the South. Students of political philosophy can see beneath the main issue there presented, "bimetallism," one of deeper significance—that between the "possessors" and the "non-possessors." The defiant challenge, "You shall not crucify mankind upon a cross of gold," marked a break with the conservative democracy of Tilden and of Cleveland and a return to the radical democracy of the Jacksonian era.

There is where the *populares* and *optimates* of the South came to a parting of their ways. The enormous industrial growth of the South in recent years is an old story. Wealth is being amassed here as elsewhere in the hands of the few. While the country mansions of the old planter caste are falling into decay, the city houses of the new aristocracy of wealth in the growing industrial and commercial centres of the South, indicate private fortunes surpassing those of the old régime. The growth of corporate capital, especially in the consolidation of the great railroad lines, has gone on of late at a rapid rate, and it is everywhere building up in this comparatively new field a most important clientage. Alive to their own interests in holding in check adverse legislation and in fostering favorable legislation, the great railroad corporations which have their general offices in New York or elsewhere, have brought into their service, especially in their legal departments, many of the foremost men of the South —men who are "to the manner born"—and they have otherwise entrenched themselves in command-

ing positions of influence. Naturally many of these officials come to view public questions from the standpoint of the corporations which employ them. The coal and iron industries of the central South, the cotton manufactories of the Piedmont region, and the lumber and timber interests of the coastal plains of the Gulf, likewise furnish centres for different political ideas from those held by the agricultural masses.

A considerable number of representatives from the business and professional classes here enumerated, refused to follow the lead of the party of the people in the presidential election of 1896; and while they were not willing to give their support directly to the Republican party—because of the odium that has attached to that party name in the South since the days of "Reconstruction"—they aided its success by putting out the so-called National Democratic ticket at Indianapolis. The small vote polled by this last ticket by no means represents the strength of the conservative element in the South that was opposed to the regular Democracy; for many of that element either sulked in their tents or gave a half-hearted support to the "regulars."

In spite of the apparent truce between the Southern *populares* and *optimates* in the presidential contests of 1900, 1904 and 1908, it is only the dreamer who can see in the future any such cordiality of political agreement among the dominant white people of the South as was witnessed in the quarter of a century struggle for race supremacy that marked the Reconstruction era. The common danger of the domination of an inferior race has been removed, for the present at least; and such being the case, it is just as natural for the dominant white citizenship of the South to fall apart into rival political organizations as it was for the patricians and

plebeians to wrangle in the early days of the Roman republic, and for the "possessors" and the "non-possessors" to grapple in a death struggle in the era of its decline and fall.

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CHAPTER VI.

THE SOUTH IN THE ECONOMIC POLICIES OF THE UNITED STATES.

PERHAPS the most memorable reports ever drafted by an American cabinet officer were those submitted, on the threshold of our national history, by Alexander Hamilton, as secretary of the treasury, recommending the funding of the public debt, the assumption of the state debts, the adoption of a national coinage, the estab-

lishment of a Federal Bank, the protection of manufactures by import duties, and the creation of an internal revenue system. Here was the root of nearly all the great administrative controversies which lasted down to the War of Secession, and which still echo through so many departments of the national life.

Funding the Debt.

There was no difference of opinion as to the nation's duty to fund the debt incurred in Europe for the prosecution of the war just ended; nor was there any acute conflict of opinion as to its duty to treat similarly the debt contracted in the United States for the same purpose—but there was a radical diversity of view as to the manner in which this domestic indebtedness should be settled. Most of the certificates had been sold far below their nominal value by the original creditors. Should the present holders receive only what they had given for the certificates, and the remainder of the face value be returned to the original creditors? Or should the latter be passed by, and the present holders, whether original creditors or not, be paid in full?

There was a keen objection to the latter proposal in the Southern states. As soon as Hamilton's recommendations had been made public, Northern agents had posted to remote Southern communities, and before news of the funding scheme had arrived, had bought for a song all the certificates they could gather up. Similar purchases had been going on for a number of years elsewhere, until by now the great bulk of this domestic indebtedness had accumulated in the hands of Northern speculators. Naturally, the Secretary's plan of issuing a hundred dollar bond in return for a certificate which had probably cost the holder fifty dollars, or even less, was not very popular in a part of the Union where few certificates

were held. Nor did its citizens consider the prospective effect upon the national credit a sufficient justification for a measure, which, in its immediate operation certainly, would benefit one section alone.

Assumption of the State Debts.

But the Southern people objected even more strenuously to the government's assumption of the state debts—another measure proposed by Hamilton to secure for the new administration the support of Northern capitalists. It is true that all the states had borrowed money to carry on the war, but, state for state, the Southern states were less encumbered on this account than the Northern, for, during hostilities, they had, from their own revenues, paid a far larger proportion of their current expenses. The Northern states, on the other hand, had settled theirs more by loans than by sums raised by direct taxation. It was chiefly these loans which Hamilton was anxious that the national treasury should assume. The Southern people thought their states ought to be credited at least with the amounts which they had, from year to year, applied to the reduction of their war indebtedness. This attitude of hostility was strengthened by the conviction that Hamilton's scheme tended to consolidate and extend the powers of the Central Administration. So firm was their opposition to the national assumption of state debts that the measure was only passed by conceding to the South the site of the newly projected national capital.

Monetary System.

Before the Revolution, all the colonies had been used to the same kind of currency. At first, in the absence of paper and metallic media alike, recourse was had to the medium of commodities, such as tobacco in Virginia, corn and cattle in New England,

and rum in Georgia. By 1750, all the colonies had come to use a paper currency, which was of a different value in different colonies even when the notes were of the same denomination. In some, these notes were legal tender; in others they were interest-bearing. At the beginning of the Revolution, it was estimated that not less than $12,000,000 of paper money was in circulation. One of the first measures of the Continental Congress was to issue paper money in the form of bills based on the credit of the states, the share of each state being carefully apportioned; by 1779 not less than $241,552,780 had been authorized; and to this amount should be added the issues of the different states on their individual account. Virginia alone emitted $128,441,000. From all this it will be seen that the future states were accustomed to a paper currency which had at best but slim assurance of redemption. It was this fact which obtained for Hamilton's report in favor of a sound national currency very general support irrespective of sectional divisions.

By the terms of the Constitution the power to coin money was confined to the national government. Did that mean that the treasury could issue no paper money however carefully preserved its parity with the metallic unit adopted by the Mint Act of 1789, or however restricted its legal tender character? After 1813 there was an enormous increase in the paper circulation of the country owing to the emission of clouds of notes by the new state banks; and so uncertain was the value of this local paper currency that all silver and gold, whether of domestic or foreign stamp, was for the time being driven out of the hands and pockets of the people. It now became a matter of urgent importance to decide whether the government also could issue paper money to enable it to get around the difficulty of se-

curing coin. There was a wide difference of opinion on this point. In the South, where the disposition to construe the constitution strictly was already strong, the preponderance of sentiment was against the view that the issue of paper money was authorized by the fundamental law. And yet the first paper money emitted by the Federal government was emitted in 1812 during the presidency of Madison, a Virginian, who had been particularly conspicuous in drafting the constitution. At this time the Republican party, founded by Mr. Jefferson, and practically controlled by Southern leaders, was in power. The bill authorizing the issue was passed by a vote of eighty-five as against forty-one. Whatever objection may have been urged by the Southern element in this minority, on constitutional grounds, had, by 1815, been entirely quieted. The emission of treasury notes began again in 1837, and during the next six years at least eight different bills were enacted—largely through Southern support—which added not less than $47,000,000 to the paper circulation.

It is quite within bounds to say that these notes would not have obtained the approval of a corporal's guard of Southern public men had they been legal tender for private debts as well as for debts to the government; they were receivable for Federal dues alone; and could at any time be converted by the National Treasury into interest-bearing stock. Paper money only became legal tender when the Southern states, by their withdrawal from the Union, had ceased to participate in the Federal monetary system; in 1862, the year of the Confederacy's greatest victories, $95,000,000 legal tender notes were issued by the Federal treasury, really as a war measure—a measure justified by an extreme national emergency—but even then not without vigorous opposition on the ground of their unconstitutionality.

Hostilities had hardly closed when Secretary McCulloch urged the restoration of the "Constitutional currency"—that is to say, gold and silver, and notes convertible into coin—which had had the support of the Southern states from the foundation of the nation. At this hour these states were without any voice in Congress. The popular sentiment of the North, which controlled the financial situation, favored the retention of greenbacks, but, at the same time, desired an accumulation of gold to bring them to par. There was, however, an increasing number of citizens who advocated, not only the retention of greenbacks regardless of any accumulation of gold for their redemption, but also their substitution for all the national bank notes then in circulation, and these citizens also favored the payment of the National debt by the use of such notes. This idea was adopted by the Democratic party in 1868, but as nearly all the reconstructed states of the South were then under Republican control, the weight of those states, in the congressional and presidential elections alike was cast in the balance of the Republican policies. The South, being without a representative in the Supreme Court, had no share in the memorable decisions of that body which declared a legal tender Act to be constitutional whether passed in times of peace or of war; and although the resumption of specie payments in 1879 was entirely in harmony with the view of the national currency which that part of the Union had always supported in the day of its power, yet this section in its crippled condition had little influence, as compared with the North, on the course of legislation which led back to the sounder monetary system of earlier times.

In 1873 a financial bill was passed by both Houses which omitted all reference to the standard silver dollar of 412½ grains—a fact that excited no com-

ment at the time, but later on was denounced as the act of Eastern bankers conspiring to demonetize silver. The year this occurred was one of such extraordinary panic that a very general outcry for a larger emission of treasury notes was raised, only to be checked by President Grant's veto of the inflation bill which soon followed. Silver was now steadily sinking in value owing to Germany's adoption of the gold standard, the Latin Union's limitation of silver coinage and the discovery of rich silver mines in the West. A concerted effort was soon made (1877) to remonetize the metal. The Bland Act, authorizing the free and unlimited coinage of silver by the national treasury was adopted by three-fourths of the votes of the House, regardless of sectional or partizan affiliations. The bill, as amended by the Senate, which limited the coinage to a fixed amount by the month, was passed over the President's veto. A tendency to bring the national monetary system down to a silver basis was thus set up; and just as a depreciated state bank currency, early in the century, had driven the metals out of circulation, so now a depreciated silver currency began to drive gold out by encouraging the holders to hoard it. The secretary of the treasury urged the immediate suspension of compulsory silver coinage; but Congress refused to comply; and the only modification which could be obtained from that body was the passage, in 1890, of the Sherman Act restricting the purchase of silver bullion to a certain number of ounces, instead of to a certain number of dollars, a month; to be bought not with silver certificates, as under the Bland-Allison Act, but with treasury notes.

All this legislation for the maintenance of bimetallism, beginning with the Bland Bill in 1877, had the general approval of the South—how far later on is shown by the early development in that section of

strong opposition to Mr. Cleveland's policy of upholding the gold standard. When he became President the second time (1893), silver had received a heavy blow from the refusal of the East Indian mints to coin any more silver bullion; a panic had followed; and so deep was the depression throughout the country that the two great parties practically united in Congress to repeal the Sherman Act. But the situation did not improve; and very soon treasury notes began to be presented to the government in myriads for redemption in gold. The Administration was forced to sell bonds in order to keep up the gold reserve, thus so heavily depleted; and these sales had to be repeated several times owing to the continuation of the drain. All this time there was a surplus of $300,000,000 in silver coin in the Treasury which the Secretary was empowered by law to use in redeeming the treasury notes, but Cleveland took the position that the government was morally bound to preserve its credit, which at the then value of the silver dollar, could only be done by paying with the gold dollar. The tension could have been relieved by retiring the treasury notes, but Congress refused to authorize this, thus leaving the Administration no other course to pursue but to borrow gold in order to prevent the monetary system of the country from sinking to a silver basis.

The extraordinary distress prevailing throughout the United States was attributed by a large section of citizens to the demonetization of silver; and this view the Southern people, whose most profitable interest—agriculture—was suffering much from low prices, presumably the result of the single standard, shared with practical unanimity. The platform of the Democratic party in 1896, calling for the "free and unlimited" coinage of silver, had the earnest support of the South, although the candidates of the

wing favoring the gold basis polled there many votes. The Republicans were successful in that struggle; the gold standard was finally adopted by Act of Congress; and owing to the vast increase in the production of gold, and the high prices which have followed, this standard has been accepted in the Southern states in final settlement of the great controversy over bimetallism.

National Bank.

In passing to the subject of national banks, we reach ground where the historical sympathies of the South are more clearly discernible. The question of the General government's right to establish a bank, or to hold stock in one, arose soon after the adoption of the constitution. Hamilton, anxious to lay the firmest foundation for the credit of the national treasury, urged that the power to borrow granted by that instrument, if broadly interpreted, justified the creation of such an institution; but Madison out of the cabinet, and Jefferson and Randolph in it, opposed this view, and in doing so, fully reflected the predominant sentiment of the Southern states. This was seen when the Act chartering a national bank came to a vote; only three members of Congress residing south of Maryland could be found to support it, while of those residing north of that commonwealth the vote of one alone was cast against it. Washington, who, at first, had requested Madison to frame a veto, in the end reluctantly signed the bill. The charter was to run for twenty years; one-fifth of the capital was to be subscribed by the government; and there were to be branches of the bank in the cities of Baltimore, Norfolk, Charleston and New Orleans.

When the charter expired in 1811, Gallatin, Jefferson's secretary of the treasury, recommended its renewal, on the score that the bank afforded his department indispensable aid in collecting the Federal

revenues, in keeping the national deposits, in transmitting the public moneys, and in making loans to the government. Successful opposition was at once aroused. Especially vigorous was the protest of the state banks of the South which had the support of a powerful public sentiment in that quarter—it was urged by them that the bank was a Federalist institution; that it favored one division of the Union at the expense of other divisions; and that much of its stock was held by Europeans. Gallatin was also strongly criticized by the Southern wing of the Republican party in Congress. Crawford was one of the few leading Southern statesmen of that day who sustained him.

Dallas, on his appointment to the treasury by Madison, in 1814, suggested the chartering of another national bank, on the ground that it would contribute funds to the government now embarrassed by the financial disorders following the close of hostilities; and that it would also restore a national currency. The bill which passed the two Houses, with the aid of the Federalist wing of the Republican party, was vetoed by Madison only because, in his opinion, it would fail to subserve these purposes. Whatever constitutional objections he had formerly had to the establishment of such an institution were now removed, for "Repeated recognitions of the validity of a national bank," he said, "had precluded all questions of constitutional authority." His veto was based on the suggestions of expediency alone. Calhoun, who had been educated in New England, and who, in the early part of his career, so often voted with the Federalist-Republicans, now took the position that the government might become a "modified partner" in a national bank. He expressed very great distrust of state banks; and was of the opinion that a national bank could be used as an "instru-

ment of compulsion to force the local banks to resume specie payments."

When the agitation for a new charter began again in 1816, John Randolph, true to the original principles of his party, stood forward in bitter antagonism to those who favored it, but his influence was not strong enough to compass the defeat of the measure in the House; the votes there in the affirmative numbered eighty as against seventy-one in the negative; and of this eighty, a very large proportion were the votes of members from the South and Southwest. Madison approved the Act. The financial effect turned out to be highly beneficial to the Southern and Southwestern people, but their state banks continued to look on the national bank with jealousy and illwill, the full force of which was not seen until the Administration of President Jackson. It was due largely to this constant irritation that the Southern objections to the bank gradually became more emphatic—it was urged that Congress supposed right to establish a bank was not to be found among the enumerated powers of the constitution—that the convention framing that instrument had in fact firmly rejected all proposals to insert a clause authorizing such an institution—that while the bank might be a convenient agent for the treasury as asserted, the constitution took cognizance only as to what was the necessary means for carrying the enumerated powers into effect—and, finally, that the state banks were sufficient for all the purposes which a national bank was thought to be particularly well adapted to advance.

The question was not left to mere debate. A successful attempt was made in Maryland to test the validity of the bank's charter by bringing it into the Supreme Court. That body was then (1819) presided over by Chief Justice Marshall—after Washington,

the greatest of the Virginia Federalists—and he, voicing the court's decision, declared that a national bank was not simply a convenient means—it was a necessary means—for facilitating the financial operations of the government. This deliverance gave rise to much hostile comment in the South, Virginia going so far as to protest openly against it as a dangerous encroachment on the reserved rights of the states.

In January, 1832, a bill renewing the charter of the bank came up in Congress, and was finally passed by both houses, with the support of many Southerners who were followers of Henry Clay, or who had accepted the decision of the Supreme Court as conclusive; but Jackson's veto, which followed immediately had the warm approval of the majority of the voters in the Southern and Southwestern states. In 1836, when the old charter actually expired, the bank passed out of national history.

As the inception of the present national banking system occurred at the time when the Southern states were withdrawn from the Union, these States had no part either in the establishment of that system or in its early operation. The national banks in fact had their origin with Secretary Chase, when, in 1861, it became necessary to borrow $200,000,000 to meet the needs of the Federal government in the existing emergency. It was urged in their favor that they would not only substitute an uniform currency for the diversified notes of the state banks, but also promote the safety of the United States by making the national securities the basis of circulation. At this time (1863), there were not less than seven thousand different kinds of notes floating about—these too without counting several thousand fraudulent issues! and yet it is generally acknowledged that, had not the country been torn by intestine strife, the National Banking Act would never have become

law. National bank notes were receivable for all dues except the customs; and were payable by the government in settlement of all debts, except the interest accruing on the national bonds.

Whatever hostility the South when restored to the Union may have felt for national banks was practically of no importance owing to the political weakness of that section. It was entirely powerless to bring about even a modification of the system even if the Southern people had considered this to be desirable. For many years now, they have possessed (especially since 1890, when the right to establish a national bank with a capital of only $25,000 was granted by Congress) their proportionate share of such institutions, although the continued, though now declining, popularity of the state bank in the South exhibits the original preference of its citizens.

Independent Treasury.

When the renewal of the charter of the national bank was refused by Congress on the expiration of the old one in 1836, it became necessary to provide some depository more trustworthy than the state banks for the safekeeping of the public funds. In 1837, Van Buren, in his annual message, formulated the plan of the Independent Treasury, the idea of which is said to have been first suggested by Jefferson to Secretary Dallas of Madison's cabinet. A bill presenting a somewhat similar scheme had, in 1834, been considered by Congress. The question was now a crying one as there was a large surplus to be protected which, if distributed among the state banks, would simply be a temptation to those institutions to speculate with the national funds, and perhaps to lose them. Van Buren warmly recommended that the government should take care of its own money, and that it should return to the practice of requiring

the payment in specie of all debts due it, with no exception in favor even of notes issued by specie-paying banks. The bill that was introduced failed, however, to recognize the principle of specie payment; Calhoun insisted that this principle should be recognized; but the bill when it came back from the Senate thus amended was thrown out by the House. It was not until 1840 that the Act became law. One of its provisions was that, after 1843, all dues to the government were to be paid in gold or silver.

The Whigs, under the leadership of Clay, were hostile to the Independent Treasury scheme, on the ground that it was dangerous for the Federal government to establish and manage a great bank exclusively its own. It was also urged that the state banks, which were now the depositories of the national funds, would be irretrievably damaged by the withdrawal of these funds; moreover, the government's revenues, which were in circulation as long as controlled by the state banks, would, if placed in an Independent Treasury, be locked up, to the certain depression of all business.

In 1841, when the Whigs came into power, they repealed the law authorizing the Independent Treasury, but they were not strong enough to pass over President Tyler's veto the act which they had drafted for the rechartering of a national bank. The national funds were again distributed among the state banks. The Democrats returning to power with the election of Polk, the sub-treasury was re-established. Treasury notes now became receivable along with gold and silver for all dues to the government. The Independent Treasury had again to confront the hostility of all who favored the state banks or a national bank; but its advantages were so obvious that its existence was not again successfully assailed. It limited the paper currency issue of the

state banks by narrowing the resources of those institutions to their own funds; it steadied business by disassociating the government from the speculative spirit of those banks; and it gave the treasury at Washington absolute, uninterrupted, and instant control over the national moneys.

The sentiment of the Southern people with regard to the Independent Treasury was, for many years, very much divided—if Whigs, they were hostile to it—if Democrats, friendly to it—but with the passage of time, whatever opposition to it may have existed in that part of the Union, either died out or failed to find an effective voice.

The Tariff.

The two main sources of national income have, from the beginning, been the duties on imports and the internal revenue taxes. What part did the South take in their creation, and what has been her general attitude towards them?

Most of the thirteen colonies were in the habit of levying export and import duties; and many also had recourse to the excise in order to obtain revenue. The customs were at first collected on an ad valorum basis, but as this afforded numerous opportunities of practicing frauds, specific duties were imposed instead. In the Southern colonies, these duties were generally supplemented, not by the excise, but by a poll tax; in Virginia, for instance, there was not only a specific duty on all tobacco exported and on all liquors imported, but a definite sum had to be paid annually by every tithable. Nor was the intentional protection of local industries by means of an import tax unknown in the Southern colonies, although a tax for this purpose was usually laid for only a short period—in 1703, South Carolina, in passing a general tariff law, was not content with im-

posing a simple revenue duty on liquors, provisions, and slaves, but, in a spirit of modified protection, imposed an ad valorum duty on other commodities.

Under the articles of confederation, each state reserved the right to enforce a tariff of its own enactment upon all goods brought into or conveyed out of its own jurisdiction; and these schedules were, as a rule, more onerous than those in operation before the separation from England. So soon as peace was declared, but before the constitution was adopted, the states, in order to meet the heavy debts which had been incurred for carrying on the war, were compelled to continue the tariffs then in existence, although already a fertile cause of irritation between neighboring commonwealths.

When the constitution was adopted, the Southern states, in spite of the policy of colonial times, were unanimous in their hostility to export duties. Virginia and South Carolina, as producers of tobacco and rice respectively, were especially firm in their opposition to such an imposition; and it was, therefore, in harmony with the wishes of these two states particularly that the first National Administration should have introduced a bill in Congress to authorize duties, not on exports, but on imports, as the least onerous means of securing the income required for the Federal needs. In the debate on that bill, however, the preamble briefly setting forth Hamilton's view of the tariff as a promoter of domestic manufactures was sharply criticized by the Southern members, on the ground, so often advanced in later times, namely, that rates imposed primarily for protection, and not for revenue, were really sectional, because their effect was to assist the producing manufacturers of the North by mulcting the purchasing agriculturalists of the South. For instance, it was pointed out that New England clamored for a duty

on nails, and Pennsylvania for one on steel. What would be the result if both were granted? Why simply to increase the cost of all Southern farming tools.

The bill—which really laid an average duty of only 5 per cent., the rate the Continental Congress had in vain endeavored to persuade the states to adopt—was finally accepted, with the general understanding on the South's part that the protection necessarily granted by the act was only that which incidentally arose from a wise selection for taxation among the articles imported into the country. So long as the purely protective principle of the tariff was kept in the background by the government's real need of more revenue, the steady advance in the duties during the next two decades did not arouse a general opposition in the Southern states.

During the War of 1811-15, the manufactures of the North were very much fostered by the exclusion of foreign articles; but just as soon as hostilities closed, there was a flood of European importations, which, if prolonged, threatened to close most of the factories then in operation. Madison himself pressed upon Congress the necessity, on grounds of national self-defense, and the importance of a home market, of protecting the manufacturers of the country. This led to the act of 1816, which increased the rates so considerably that it is often spoken of as the first practical application of the protective principle in the revenue measures of the government. The manufacturers' need of aid was, however, so crying that the bill received the support of twenty-three members from the South and Southwest in a total of fifty-seven. Four of the seven votes cast by South Carolina were cast for it, and Calhoun himself was one of its most earnest advocates. John Randolph, still faithful to the principles of the old Republican

party, was among its most uncompromising opponents. This was the last occasion on which a tariff act containing pronounced protective features rallied to its support any large body of Southern public men.

In 1820, although there was great financial distress, which, under ordinary circumstances, would have led to an increase in the rates, yet the sectional animosities aroused by the debates over Missouri's admission were so bitter, that, when an attempt at an advance was made, it proved unsuccessful. From this time, the tariff was more or less involved in the heated questions of slavery and internal improvements, and its sectional aspects thus became strongly accentuated. The South now began to dwell with increasing emphasis on the constitutional objections to purely protective duties. This new spirit was shown in the history of the act of 1824 by which the rates were advanced at least 33½ per cent. on the average; that act was passed only by a combination of the Middle, Western and Southwestern states; in the House, one Southern Representative alone, in a membership of fifty-seven, supported it.

Four years later, the "Tariff of Abominations" was adopted, the highest water-mark reached by the protective system previous to the secession of the cotton states. This act had the approval of only three of the fifty-three Southern Representatives. By this time, the South had settled down into the fixed belief that its wisest policy would be to confine itself to the production, by slave labor, of such staples as rice, tobacco and cotton. That section now practically took no part whatever in the development of the nation's manufacturing interests beyond supplying the North with raw materials; but while the Southern planter recognized that the domestic market had been broadened by the increase in the number of New England mills, he also perceived, with grow-

ing clearness, that he had to pay for this in the augmented cost of all the supplies which he was compelled to purchase.

The Southern states through Governor McDuffie, chairman of the Congressional Ways and Means Committee, earnestly asserted that the duties on imported articles were indirectly paid by the producers of the principal exports, and as the South stood at the head of this class, the tariff really fell most heavily on that part of the Union. So acute was the feeling in Virginia, South Carolina, and Georgia that, in the winter of 1827-8, their legislatures put on record their constitutional objections to all laws passed in the interest of protection; and this protest was effective, for the next act (1832) cut down the schedules to the basis of 1824, which was approximately a tariff for revenue only. Still the principle of the American system was recognized to the extent of imposing the rates on articles requiring protection. Owing to the support of representatives from Virginia and North Carolina, the vote cast by the Southern members was twenty-seven in favor of the measure, and twenty-seven in opposition.

South Carolina, which, during so many years, had condoned the tariff system, was now irreconcilable; she pronounced the Act of 1824, as amended by that of 1832, entirely void within her borders; and in spite of his threat of force, Jackson practically yielded to the nullifiers. So radical were the recommendations for the modification of the existing duties made by McLane, his secretary of the treasury, that the manufacturers, in their depression, believed that the system of protection was to be abandoned.

Clay now came forward to save that system; by the act of 1833, reduction was provided for, not sudden, like McLane's, but gradual, so as to allow the manufacturers time to adjust themselves to the

change. Such was the loss of revenue by the government, in 1827, owing to the panic of that year, that, the protectionists taking heart, began to urge that the existing duties were too low either to afford any real security to industries, or to bring sufficient income into the treasury. Three years later, when the terms of the Act of 1833 called for a further reduction in the rates, the protectionists were even more clamorous for an increase, as the deficit had only grown larger. But it was decided by the Whig managers that it would be inexpedient to urge the tariff too insistently on the voters' attention during the campaign then in progress; Clay was, therefore, passed by as too closely identified with the history of the American system, and Harrison nominated instead. Tyler, a Virginian, who succeeded Harrison, was sufficiently in sympathy with the tariff views of the Whigs to sign a new act, after some modification of its original provisions. The need of additional revenue was so pressing that those Southern representatives, who, otherwise, would have opposed this measure, were constrained to support it.

Two years later (1844), prosperity had returned, and once more the tariff became a distinct campaign issue. As soon as the Democratic party, under Polk, resumed office, it attacked the existing rates, and as there was now a surplus, due to excess of receipts, which promised to increase by the following year, public opinion in the Southern states approved the Administration's course. The secretary of the treasury, Robert J. Walker, of Mississippi, soon drafted a new act which embodied as its governing feature the principle that the duties were to be just high enough to provide sufficient income for the government, economically administered. This act, which was really one for revenue only, was approved by fifty-eight of the seventy-eight representatives of the South and

Southwest—a proportion which had not been observed since the second decade of the century.

By this measure, the tariff was, until 1856, removed from politics. In the meanwhile, the drift was steadily towards freer trade. The Democratic secretaries of the treasury, Messrs. Walker and Guthrie, in their reports, repeatedly urged the necessity of cutting down import duties to the minimum, and of enlarging the free list, if a market for the country's entire surplus product was to be created abroad. An important step in accord with this advice was taken in 1857, when the revenue again exceeded the government's expenditures; how heartily the Southern and Southwestern states approved this further reduction was shown by the affirmative votes of their representatives, only two in a membership of sixty opposing it.

Suddenly and unexpectedly a financial panic was precipitated, a panic really due to speculation, caused by the extraordinary quantity of gold produced in California, but attributed by the advocates of a higher tariff to the influence of the freer trade permitted at this time. It was, however, not until the winter of 1859-60 that the protectionists were able to enforce their views by national legislation; the Republican party, at that session of Congress, controlled the Lower House; and they took advantage of this fact to pass through that body a bill which meant a return to the high duties of 1828, the most extreme up to 1860 authorized by a Federal statute. But it was not until March, 1861, that the Morrill Act was adopted by both Houses, for not until then had the withdrawal of all the Southern representatives cleared the way of obstruction.

The Southern states had no share in the act of 1861; nor in the acts of 1862 and 1864. The act of 1864, which brought the rates nearer those we are

now familiar with, remained, until 1883, the basis of all tariff legislation. It was not until 1876 that the Southern states were represented in Congress by a compact body of native white Democrats; previously, these states had been represented by a large body of Republicans, for the most part of Northern origin, who had supported the tariff measures of their party. From this time on, the South, as a whole, has shown its sympathy with the Democratic policies; this was seen in its course on the tariff act of 1883—all its Senators voted for every reduction proposed by the opposition, then controlling the upper chamber.

Between 1875 and 1881, and 1883 and 1888, the Democrats were in power in one House or in both, but failed to enact the two tariff measures which they propounded. The Morrison bill lowered the tariff rates at least 20 per cent., and also placed additional articles on the free list; the rates of the Mills bill were equally liberal; but both were defeated by the Randall or protectionist wing of the party, to which the Southern wing was distinctly hostile. It was due to this Randall wing that the Democratic organization at this time was open to the taunt of having no fixed convictions on the tariff, the natural result of trying to reconcile the more or less free trade principles of the Southern Democrats with the protectionist principles of so many of the Northern.

In the presidential campaign of 1888, the Republicans advocated an advanced protectionist policy and were successful. In the McKinley act of 1890, that policy was embodied in many of the schedules in a form so extreme as to amount to prohibition; but the congressional elections which followed showed a Democratic majority; and when in 1893, a Democratic president re-entered office, there was a general understanding that the tariff rates were to be reduced. This was now possible as the Democratic

party controlled both Houses. The Wilson Act, drafted by a Southern Representative, and reflecting in its modified rates Southern public opinion on the great question involved, was so amended in the Senate, chiefly through Senator Gorman's influence, that, when it emerged, it was practically a protectionist measure. This tariff, which was the last adopted by the Southern votes, remained in force only three years, when it was superseded by the Dingley Act.

Internal Revenue.

As the tariff act of 1789—the first to be passed—did not, after the assumption of the state debts, produce revenue enough to meet the increasing expenses of the government, Congress decided to adopt Hamilton's recommendation of the excise. The principal article to be taxed was whiskey, which, in many parts of the country, was looked on as a necessity of life. Sectional opposition at once arose—it was asserted that, as New England manufactured no whiskey, she was only too glad to protect her foreign and domestic trade by throwing this additional burden on the products of other parts of the Union. The Southern states, especially, were hostile to the excise, on the ground that, it not only would cripple the interests of agricultural producers—their reason, as we have seen, for objecting to export duties—but, also, by augmenting the number of the Federal administrative officers, would tend to increase the power of the central government.

But in spite of this attitude on the South's part, the excise was soon extended to a variety of objects not thought of at first even by the Federalists, who urged in defense that, not only was more revenue needed by the national treasury, but that it was a short-sighted policy to make that treasury dependent for its income on a system of import duties, liable

to be interrupted by the first foreign war. Not content with an excise, the Federalists put in operation a direct tax, which fell on dwelling houses, lands, and slaves. This was even more unpopular with the Southern people than the excise, as it was supposed to be still more in contravention of the doctrine of State Sovereignty.

One of the most important objects of the Republican party, which soon, under Jefferson's leadership, drove the Federalists from power, was the abolition of the excise; and to bring this about, they adopted a policy of rigid economy, which made necessary almost at once the reduction of the army and navy, and the curtailment of the number of offices. Internal taxes were, in 1802, with the full concurrence of the Southern states, as a whole, done away with in all their branches. Even when war with Great Britain was impending, the secretary of the treasury, Gallatin, hesitated to recommend their restoration, although this appeared to be inevitable as soon as the American ports should be blockaded. He knew that the mere suggestion of a return to the Federalist internal revenue system would create a breach in the Republican majority in Congress, since most of that majority preferred to rely on loans as a means of securing the funds that were needed. But as early as 1813, import duties having been reduced to a low point by the war, and loans proving insufficient, direct taxes had to be laid. Though they fell on luxuries alone, these taxes were very unpopular; and the war was hardly ended when they were repealed in deference to public sentiment. This occurred in 1817, when Monroe was president, and the Republican party was still in power. Two years later, Crawford, of Georgia, then secretary of the treasury, recommended the restoration of such taxes, but Congress refused to concur, and instead authorized a loan.

It was not until the war of 1861-5 broke out, and the Southern representatives had withdrawn from Washington, that the Federal government permanently adopted the general policy which Hamilton had recommended in his report on internal taxation. Chase, then secretary of the treasury, tried to avoid the employment of this form of taxation, but the demand for immediate income was too great to permit this. For forty years or more, the country had had no experience of excise; all the economic conditions had undergone a change; and there were, in consequence, no set of schedules drawn from the past which could be applied in reëstablishing the system. A new set had to be formulated. The principle finally adopted was to impose a moderate duty on a great many objects rather than a heavy duty on a small number. When the Southern whites were fully restored to their old place in the Union, the internal revenue taxes had been cut down to a few license taxes; and even these had, by 1890, been greatly reduced in amount. The high protectionists were quite as inimical as the South to the continuation of the extended internal revenue system prevailing during the war, since the large income thus obtained caused the treasury to be less dependent upon the import duties.

Surplus Revenues.

In consequence of the vast income derived by the government from the tariff and the sales of the public lands, a great surplus quite frequently—especially in periods of extraordinary prosperity—accumulated in the treasury. The question came up: What was to be done with it? The first surplus observed arose in 1805; and Jefferson, then president, suggested that it should be spent in promoting internal improvements, the arts, and education; but this surplus disappeared before any such practical dispo-

sition could be made of it. In 1826, when the extinction of the national debt was imminent, there was a proposition to distribute the surplus which was certain to follow, among the several states, at the rate of five million of dollars a year; but the South was opposed to this course because it tended to confirm the protective system, now regarded by that part of the Union as purely sectional. Even Jackson, who had at first recommended the distribution of the surplus in this manner, changed his mind so far as to propose a reduction in the tariff rates, and when, in 1832, the same proposal, advocated by Clay, came up, he put an end to it with his veto.

The national debt having, by 1835, been extinguished, Clay took advantage of this fact to bring up again his scheme of distributing among the states the large surplus still lying in the treasury, for he knew that the existence of that surplus would, while it lasted, serve as an argument against the continuation of the tariff's protective features. So vehement was the opposition to the proposal that the bill embodying it failed; but the next year, another bill which simply made the several states the depositories of the surplus funds—subject, however, to the treasury's call—became law. So hostile, however, were some of the Southern states to distribution even as thus modified, that they received their apportionment with a protest against its constitutionality.

Since 1835, few surpluses have occasioned serious embarrassment. The one existing in 1882 was gradually reduced by a slight overhauling of the tariff and internal revenue schedules, supplemented by the heavy drafts caused by the panic which soon followed. In 1886, when the Democratic party, which embraced practically all white Southern voters, was in power, another surplus arose. Was it to be allowed to remain in the treasury to the injury of

business, which needed all the money possible, or was it to be dissipated by extravagant appropriations? Cleveland favored the revision of the tariff and the retirement of the unfunded debt outstanding in the form of treasury notes; but while agreeing to the first proposition, the Southern members of Congress were unwilling to support the second.

In 1888, the same president recommended that $61,000,000 of the government's funds should be deposited in the national banks in order to relieve the monetary tension then prevailing; but this aroused the keen opposition of all sections of the Democratic party on the ground that it was making the banks subsidiary to the Independent Treasury contrary to the design of the act of 1846. Such a course, it was also urged, would foster a dangerous speculative spirit. It was then suggested that, in order to increase the amount of money in circulation, the surplus should be used in paying the interest on the public debt before it was due; but this was seen to be a mere temporary expedient; while to expend the surplus in the purchase of bonds would entail a loss on the treasury since these bonds carried a heavy premium previous to their maturing.

Internal Improvements.

The large appropriations by both parties for internal improvements has, in recent years, done much to reduce the surplus funds in the treasury. Previous to the war, opposition to internal improvements at the national expense was one of the main principles of the Southern School of States Rights, although Jefferson, as we have seen, had in his second inaugural, suggested that the surplus revenue should be devoted to great public works. It was long a hotly debated point whether, under the clause of the constitution giving Congress the authority to provide "for

the common defense and general welfare," that body could make appropriations for such an end. Southerners and Northerners, however, alike admitted that Congress was empowered to make improvements in a territory; no objection, for instance, was urged from any side to the national grant in favor of building a great road from Wheeling to Maysville in Kentucky, not yet a state.

The next grant was a still more emphatic step in the same general direction; it seems that, when the question of admitting Ohio came up, it was provided that one-twentieth of the proceeds from the sale of its public lands should be expended in constructing roads to the Ohio River from the navigable upper waters of the western streams flowing into the Chesapeake. Although it was known that these roads must first pass through long-established states, and that the first appropriations would be for sections lying in those states, nevertheless when, in 1806, the earliest appropriation was made, no opposition was offered simply because the necessity of reaching the seaboard even for territorial highways was obvious. It was also clearly recognized that these roads to the Ohio would possess military advantages which could not be safely put aside merely to be consistent with a political dogma. Jefferson himself saw this, but quieted his conscience as a strict constructionist by urging an amendment to the constitution—a suggestion, which, however, came to nothing.

Madison, in 1816, showed his disapproval of the doctrine of internal improvements at the government's expense by vetoing as unconstitutional a bill advocated by Calhoun, which authorized the appropriation of the bonus and profits from the United States bank to the erection of such public works. Monroe's views were in harmony with Madison's; but so urgent was the need of the West in 1824 for

roads to the Eastern markets that even the strict constructionists were inclined to adopt Jefferson's advice by consenting to a constitutional amendment.

The popular sentiment favorable to the Western demands was very much strengthened by the appeals of Clay, who justly saw in such highways a bond of union and a means of military defense. This feeling increased during Adams's administration; but between 1825 and 1829, the strict constructionists, especially of the South, were so numerous and active that, yielding to their influence, Jackson vetoed the bill aiding the Maysville road, on the ground that that highway was now situated entirely within the borders of a state.

During many years previous to the war, the national appropriations for internal improvements were exclusively for deepening harbors and clearing navigable streams of obstructions. Since that event the question of such improvements, in the broadest sense of the term, has never divided either parties or sections. Amongst the largest expenditures of the national funds are those annually made throughout the United States for internal improvements, which now arouse no opposition except on the occasional score of great extravagance.

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CHAPTER VII.

THE SLAVERY ISSUE IN FEDERAL POLITICS.

The Causes of Sectionalism.

IF a principal cause may be assigned for the strife over slavery in American politics, it is that there were great numbers of negroes in one group of areas, and but a very slight proportion of them in the population elsewhere. A difference in the environment of people causes a difference in the policies adopted and the systems established. If such contrasts exist within a single body politic, each local group will strive for the control of the government to shape the policies and laws to fit the needs of their locality in preference to those of competing localities. The negroes, after being once imported, made up a part of the environment in the plantation districts, and their control was one of the essential public problems. Just as cattle, lunatics, Indians and desperadoes must be held in restraint, the negroes, at least so many men thought, must be kept under more or less thorough control. Just as men wish to avoid jury duty, mili-

tary service or official responsibility, so the citizens in many cases disrelished the burden of aiding in the capture and return of fugitive slaves; and as the people of one region dislike to be taxed to promote the industries or support the veterans of another, so it was that many communities where the negro problem did not exist, grew restive under the laws or hostile to the policies established or contended for by the people of the black belts. With regard to negro questions, there was some degree of sectionalism within the bounds of every Southern state because the problems varied from area to area within each state; but that sectionalism never went beyond the bounds of moderation. There is, too, a moderate sectionalism inevitable in the United States at large upon numerous public questions, with its phases constantly changing in accordance with the shifting of economic interests and the ideas and spirit of the people. Under normal conditions the alliance and opposition of local interests and ideas is almost kaleidoscopic in the frequency of its change, for no single issue remains paramount long enough to harden the lines of cleavage. The controversy over negro slavery was the great exception by reason of the exaggeration of the issue and the addition of moral and religious excitement. To sectional rivalry were added jealousy, impatience, self-righteousness and hatred. People began to bandy epithets and each party to the quarrel came to see only the mote in the other's eye and not the beam in its own. Affairs proceeded from bad to worse; moderation was lost; truth seeking was given over; indeed, truth was often denied by either party when presented, and at length all possibility of a sound and conservative readjustment of race relations was destroyed.

The Beginning of Slavery in America.

Equatorial Africa was discovered in the same period as the American continent, and its natural resource of crude labor was tapped and exploited simultaneously with the resources of gold in Mexico, sugar in the West Indies, tobacco in Virginia and rice in Carolina. The African staple of negro labor was looked upon in the period in much the same way as the American staples; they all furnished the means of increasing private and public wealth. The Irish product of indentured white labor was still another item in the list of important staples. The prices of all these commodities were regularly quoted in the colonial markets; merchants dealt in them indifferently and people in need of labor bought servants or slaves just as people in need of tobacco, sugar or rice bought supplies of these. There seems not to have been much discussion of the right or wrong of holding men to indented service or slavery. Wage-earning labor was not to be had on any feasible terms in most parts of America and captains of industry were forced to buy bondmen or do without laborers.

Slavery in England: The Sommersett Case.

Experiments with negro labor were made in each of the American colonies and even in the mother country, England. In every case the community soon confronted the problem of controlling it. Systems, of some sort, grew up through custom in each area and were in time recognized by the courts and in most instances were elaborated by statutes. England and each of the colonies maintained a system of slavery for many years and did not in any case abolish it unless and until the commonwealth in question found slavery more troublesome to maintain than it was worth. In England many people in

the seventeenth and eighteenth centuries held negro domestic servants in a status almost or quite identical with American slavery, and a court decision of 1729 practically declared slaveholding legal in the realm by empowering a colonial planter to seize and carry home with him a slave whom he had brought to England on a visit. This decision was confirmed by another in 1749. The following account of affairs in England was printed in the issue of *Gentleman's Magazine* for October, 1764:

"The practice of importing servants into these kingdoms is said to be already a grievance that requires a remedy, and yet it is every day encouraged, insomuch that the number in this metropolis only is supposed to be nearly 20,000; the main objections to their importation is that they cease to consider themselves as slaves in this free country, nor will they put up with an inequality of treatment, nor more willingly perform the laborious offices of servitude than our own people, and if put to it are generally sullen, spiteful, treacherous and revengeful. It is therefore highly impolitic to introduce them as servants here where that rigour and severity is impracticable which is absolutely necessary to make them useful."

When such conditions were prevailing with regard to the negroes and when at the same time English laborers could be hired cheaply and in abundance, it was natural that slavery should lose public sanction and be esteemed a nuisance. In fact, the very decision which overthrew negro slavery in England recited the tone of public opinion as the main ground for the court's action. This decision was rendered in 1772 by Lord Mansfield in the case of James Sommersett on a writ of Habeas Corpus. Sommersett, a negro, had been carried from America to England by his master, James Steuart. When Steuart let it be known he was about to return home, Sommersett absconded. Steuart had him seized and put on board a vessel in the Thames to be returned to Jamaica and sold. Sommersett sued out a writ of Habeas Corpus and Mansfield, after an unsuccessful effort to patch up the case and

keep it out of court, decided that inasmuch as the power of the writ of Habeas Corpus was not expressly limited by statute to free persons, it ought to be extended to slaves in England when they invoked it and should be held to override the rights of masters under the laws, because these were now regarded by public opinion as odious and oppressive. Negro slavery in England never recovered from this blow, largely for the reason that no important element in the realm had any strong interest in maintaining the institution.

Localization of the American Problem.

In the English colonies the use of slave labor increased or languished according as the opportunities of employing labor of tropical habits and crude ability were good or bad. For example, in Massachusetts, a commercial colony with rigorous winters, the proportion of slaves ranged no higher than one or two per cent. of the population; New York, a cereal producing area, had in 1700 about 23,000 whites and 2,200 negroes, in 1756 about 85,000 whites and 13,500 negroes, and in 1790, 314,142 whites, 21,234 negro slaves and 4,654 free colored; Virginia, producing tobacco, with a moderate climate, had in 1700 about 70,000 whites and 8,000 negro slaves, in 1756 about 173,000 whites and 120,000 negro slaves, and in 1790, 442,117 whites, 292,627 negro slaves and 12,866 free colored; while South Carolina, which during the colonial period was mainly a sub-tropical rice-planting area, had in 1708 about 4,000 whites and 4,000 negro slaves, in 1750, 25,000 whites and 40,000 negro slaves, and in 1790, 140,173 whites, 107,094 negro slaves and 1,801 free colored. The results of the experiments during the colonial period went to show that negro labor could be used with profit only where the conditions were specially favor-

FREE AND SLAVE TERRITORY, 1776-1860
Scale of Miles
0 50 100 200 300 400 500
Abolition by States to 1830
Abolition by States 1830 to 1850
Free by Congressional Acts, States Laws and Missouri Compromise
Free by Congressional Acts and State Constitution
Original Slave States and Texas by Annexation
Slave States Made out of Territory
Free by Missouri Compromise
Territory opened to Slavery by Act of 1850
Slave Territory By old French Law
BRITISH POSSESSIONS
PACIFIC OCEAN
ATLANTIC OCEAN
GULF OF MEXICO
OREGON TERRITORY 1846
UNORGANIZED TERRITORY 1820
MINNESOTA 1787-1849
WISCONSIN 1836-1848
MICHIGAN 1837
IOWA 1838-1846
ILLINOIS 1809-1818
INDIANA 1816
OHIO 1787-1816
PENNSYLVANIA 1780
NEW YORK
MAINE 1820
UTAH TERRITORY 1848
CALIFORNIA 1850
NEW MEXICO TERRITORY 1848
TEXAS 1845
MISSOURI 1821
KENTUCKY 1792
TENNESSEE 1796
VIRGINIA
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
ALABAMA 1819
MISSISSIPPI 1817
LOUISIANA 1850-1812
ARKANSAS TERRY. 1819-1836
FLORIDA 1823-1845
Astoria
Columbia
Salt Lake City
San Francisco
Chicago
Detroit
Alton
St. Louis
Jefferson
Cairo
Louisville
Frankfort
Cincinnati
Nashville
Memphis
Little Rock
Vicksburg
Natchez
Jackson
Baton Rouge
New Orleans
Tuscaloosa
Montgomery
Mobile
Pensacola
Austin
Galveston
Boston
New York
Philadelphia
Washington
Alexandria
Richmond
Petersburg
Norfolk
Raleigh
Wilmington
Charleston
Savannah
Jacksonville
Key West
Nassau
Longitude West from Greenwich
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able for large-scale industry by unskilled gangs in a steady routine, and that such conditions prevailed in notable extent only in the regions southward of Pennsylvania. Though slavery was legal everywhere north of Mason and Dixon's Line, it was of slight and steadily decreasing importance as the basis of industry. Furthermore, north of that line the negroes were so few that their unregulated existence could never endanger the social safety of the whites. The Northern states, accordingly, were able to provide by law for the gradual dwindling and death of slavery, and meanwhile to permit their citizens to sell many of their slaves southward. Except in Massachusetts and New Hampshire, where to the general surprise of the people emancipation was accomplished by judicial decisions, each of the Northern states enacted provisions between 1777 and 1804 for the very gradual disestablishment of slavery within their respective bounds. Many of the Northern slaves were sent to swell the dimensions of the Southern problem. When the period of their emancipation came, those remaining in the North quietly assumed status as a lower caste in society, nominally free and equal to the whites but possessing rather limited privileges at the sufferance of the body politic, and actually submitting to heavy industrial and legal discriminations.

On the other hand, in the Southern states where gang labor in the plantation system was the mainstay of industry and commerce, and where the proportion of negroes in the population was generally large and in many localities almost overwhelming, the problem of doing away with slavery would have been extremely difficult in view of the double danger in prospect, industrial paralysis and social chaos.

The Grounds for Disapproving Slavery.

The serious, delicate and complex nature of the slavery problem was early appreciated in America, and almost from the beginning the principle was asserted that, for its own welfare, each colony should be vested with full control of matters regarding slavery and the slave trade so far as concerned its own territory. The refusal of the British government to permit the Virginia Assembly to restrict the importation of slaves was, for example, an important contributory cause in the movement for independence.

The grounds upon which men of the colonial and ante-bellum periods opposed slavery varied widely and were often unrelated to one another. They may be stated as follows: 1. The resentment of white laborers against negro competition. This was regardless of whether the negro workmen were free and unaided competitors or were protected in the interests of powerful masters by the ægis of slavery. John Adams very justly said:

"Argument might have [had] some weight in the abolition of slavery in Massachusetts, but the real cause was the multiplication of labouring white people, who would no longer suffer the rich to employ these sable rivals so much to their injury. This principle has kept negro slavery out of France, England and other parts of Europe."

2. A further ground was the tendency of the slave-holding régime toward lessening the thrift of the whites. For example, William Byrd, of Virginia, wrote in 1737:

"I am sensible of many bad consequences of multiplying these Ethiopians amongst us. They blow up the pride and ruin the Industry of our White People, who seeing a Rank of poor Creatures below them, detest work for fear it will make them look like Slaves."

3. The drain of money involved by the importation of slaves into each new industrial area. For instance, in 1785 to 1790 the conservatives in South Carolina politics favored the prohibition of the slave-

trade as a means of restoring prosperity in the state, in opposition to the radical programme of stay-laws and paper money. 4. The theory of the inherent rights of men, which was particularly influential during the revolutionary period. 5. The doctrine that slavery was antagonistic to the Christian principles of democracy, and the corrolary that by holding slaves men violated the supreme law and might be deprived of their usurped property without notice and without remuneration. This, together perhaps with the inherent rights doctrine, was the basis of the radical agitation represented by Wilberforce in England and Garrison in America for the immediate, universal and uncompensated abolition of the slave-trade and slavery. 6. The idea that the restraints of slavery were so irksome to the negroes that they were likely to revolt at any moment in a demand for freedom and in a spirit of revenge. This apprehension was the proximate cause of the agitation in the Virginia legislature of 1831-32 for the disestablishment of slavery.

The Anti-Slavery Movement of the Revolutionary Period.

Except in the case of the Quakers, who denounced it upon grounds of religion, humanity and justice, and who accomplished little in the period, the opposition to slavery prior to about 1760 was based mainly upon economic grounds and was met more or less effectually by counter arguments and by the firm refusal of the authorities to interfere with established institutions. During the Revolutionary period the champions of independence based their contentions mainly on inherent individual rights and were led to proclaim the universal validity of that doctrine with more or less earnestness. When questions of the rights of negroes as persons were raised, Washington, Jefferson, Madison, Mason, Henry,

Laurens, Gadsden and others promptly condemned slavery as being as unjust to the negroes as it would have been to white men, and declared their willingness to secure its abolition as soon as it could be accomplished with due regard to public safety. Jefferson wrote in his *Notes on Virginia,* in "Query 18":

"With what execrations should the statesman be loaded, who, permitting one half of the citizens thus to trample on the rights of the other, transforms those into despots and these into enemies. * * * And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That these are not to be violated but with his wrath? Indeed, I tremble for my country when I reflect that God is just; that his justice cannot sleep forever. * * *"

But in "Query 14" of the same book, Jefferson wrote a long catalogue of the negro characteristics which he thought would disqualify the race from mingling with white people as freemen in society, and practically committed himself against the general emancipation of the negroes unless they were promptly to be removed from the country.

The Conservative Reaction, 1790-1815.

This *impasse* confronting Jefferson confronted all the Southern opponents of slavery in this period. Their line of reasoning was: Slaveholding is wrong in theory and is particularly unjust in a nation championing the principles of human liberty; but, in the mass, the negroes are obviously and utterly unfit as yet for freedom and citizenship in a highly civilized self-governing society, while to deport them would endanger the existence of the negroes and cripple the prosperity of the whites. The outcome of the metaphysical discussion among the statesmen of the period was a realization that those who would destroy slavery and at the same time safeguard the general welfare must lay aside their anti-slavery

contentions until some great change in conditions should render their problem soluble. Meanwhile the great bulk of the people in daily contact with the negroes were not troubling themselves with much thought of the black man's wrongs; and the negroes themselves were concerned more with pleasures of the senses and emotions than with the problems of legal freedom.

It is curious that almost the only writer in the Revolutionary period who squarely upheld the institution of slavery was not a statesman but a historian. Bernard Romans, in his *History of East and West Florida* (London, 1776, pp. 104, 105), warned settlers against accepting the current disturbing doctrines and embarking upon costly experiments with European contract labor. He declared negro labor an essential of prosperity in the South, and chastisement to be necessary for the control of the perverse and indolent Africans. Without doubt, a multitude of other practical men, who, however, rarely used pens and never wrote printers' copy, were like Romans devoted to the policy of conservatism in racial adjustments. The tone of legislation in the Southern states has far more value in showing the public sentiment than have the expressions of the metaphysical statesmen of the period. For example, North Carolina in 1796 and 1801, Tennessee in 1801 and Georgia in 1801, passed laws restricting and hindering the private emancipation of slaves; and in the years following Gabriel's insurrection in 1800 all the commonwealths of the South strenghtened their legislation for keeping the negroes in subordination. Much the same reasons underlay these measures as prompted the Massachusetts act of 1798 and the Illinois act of 1818 restricting and discouraging the immigration of free colored persons into those states.

In a word, as soon as the excitement of the Revolutionary times was over and the body politic began to set its house in order for everyday life, even the theorists stopped questioning the infinite, and the people in the negro districts proceeded much as they had done in colonial times. Two unconnected developments in the period following 1790 added great strength to the reactionary movement. First: The established régime in San Domingo was upset by the reckless decrees of the revolutionary French government, and the mulattoes and then the negroes rebelled and spread rapine throughout the island. Under their ex-slave general, Toussaint L'Ouverture, they defeated every expedition against them, drove practically all the whites from the island, and established an era of alternate truce and internecine war which has continued to the present day. Hundreds of exiled whites fled in 1792 and after to the continental seaboard and by word of mouth heightened the effect of the lurid accounts which the current prints were already spreading. The main tendency of this, of course, was to tighten police restrictions upon the negroes. Second: Still more important in the trend of events was Whitney's invention of the gin in 1793, which led to the amazingly rapid growth of the huge cotton industry, greatly heightening the value of all labor in the region of long summers, and intensifying the interest of slaveholders in insuring the permanent control of their labor.

The effects of the San Domingan cataclysm and the invention of the gin is palpable: No state which had not prior to 1805 provided for the death of slavery within its bounds ever did so thereafter by its own legislation; and after 1795 no legislation thought to be unfriendly to the slaveholding interests ever passed Congress unless by overriding the op-

position of the solid South. The act of 1807 prohibiting the foreign slave trade does not conflict with this latter statement, for at the time the act was expected to increase the value of the slaves on hand and thereby conduce to the profit of the established black belts, and to the disadvantage only of the undeveloped Southwest.

The Problem of Intersectional Adjustments in the Period from 1815 to 1861.

When the peace of 1815 removed foreign complications and internal problems became of paramount political importance, the delicacy of the sectional adjustment under the constitution and Federal laws began for the first time to be seriously appreciated. Issues involving slavery were now to be threshed out exhaustively in Congress and in the newspapers.

The provisions affecting the slaveholding interests are familiar to every reader: That Congress might not prohibit the foreign slave trade before 1808; that Congress must provide for the interstate rendition of fugitive slaves; that the ratio of proportional representation among the states in the lower house of Congress and of the assessment of direct taxes should be based upon the whole free population plus three-fifths of the slaves. In the generation of the "Constitutional Fathers" the important measures passed by Congress were: The Northwest Territory Ordinance of 1787, which excluded slavery from the region north of the Ohio River, and the act of 1793, which with only partial thoroughness provided for the rendition of fugitive slaves. That these provisions, whether in the constitution or in the statutes, were in the nature of a compromise, was fairly understood in the period. James Madison prophesied even during the convention of 1787 that the prospective clash between the interests of the

slaveholding states and those of homogeneous white population furnished the one ground of ultimate danger to the Union. So long as foreign affairs absorbed most of the public interest, there were but few wrangles in Congress to justify Madison's prediction; but as soon as external peace was established, internal sectional strife began, and Mason and Dixon's Line became the most famous boundary in America.

The Crucial Problem of Controlling the Senate.

The United States constitution nominally establishes a government "of the people, by the people and for the people." It really provides for a government of the people, by the political majority, in behalf of the interests which control that majority. As soon as the divergence of sectional interests and the clash of policies become patent, the politicians and the people saw that the crux of their political strategy lay in controlling the majority in Congress. The South and North had originally been assigned an equal representation in the Senate, but the North was given a slight preponderance in the House. As the decades passed and the tide of European immigrants poured into the regions of wage-earning industry, the North steadily and rapidly increased its House majority and the slave-employing South was barely able to hold its equality in the Senate. There was no danger of the South overriding the North by congressional measures, but there was a lively prospect of the North becoming able and quite possibly willing, to inflict its preferences upon the dissenting South. Among Southern politicians it became a vital, and later, a desperate problem to find means to maintain or restore the sectional balance and safeguard their constituents against threatened and perhaps irremediable oppression. Senatorial

representation accordingly became the fundamental issue between the sections. The matters of negro colonization, of maritime and diplomatic adjustments, of anti-slavery petitions, of propaganda in the mails, of fugitive slave rendition, of the regulation of interstate slave trading and of slavery and the slave trade in the District of Columbia, all depended for determination upon the sectional control of the Senate; and the issue of slavery in the territories obtained its crucial and fundamental character because and only because it involved the great problem of maintaining or upsetting the senatorial balance.

This fact will bear repeating: That the South alone stood in danger from a rough-shod majority. The North could not possibly have had a reasonable fear of aggression by a crushing block of Southern votes. There was no political solidarity in the North because its people were too secure in their interests to feel the need of forming a sectional phalanx. In not a few instances, however, the politicians raised the cry of wolf when there was no wolf. As is not unusual in American politics, they used fallacious arguments as readily as sound ones. For example, in a Massachusetts memorial of 1819, Daniel Webster denounced the extension of slaveholding territory on the ground that it would increase the slave population and therefore increase the pro-slavery membership in the Federal House of Representatives. Surely Webster did not himself believe that slaves carried westward could swell the population of the new states without diminishing that of the old. To frighten the worshippers of nationality into attentiveness to their propaganda, the Garrisonians brought out the stage-dragon of secession from the political property room, petitioning Congress in 1842 and 1844 to dissolve the

Union and declaring disruption preferable to a continuance in a union with sinful slaveholders.

Anti-Slavery Societies.

The history of the slavery issue in the period of bitter wrangling is largely concerned with the doings of the propagandist societies. Some recent critic of manners has remarked that when three Americans find they have a common origin, similar characteristics or kindred opinions, they promptly adopt a constitution and by-laws, elect officers and begin to extend the membership. Then comes the federation of clubs; the establishment of an organ; and the holding of conventions for jubilation and the adoption of a programme. This great habit of founding societies for any and all purposes hardly prevailed either in Europe or America before the middle of the Eighteenth century. In the Revolutionary period the custom grew frequent, of launching new theories of social fundamentals upon short notice, and founding societies to support each "ism." In the history of club movements since that time, abolitionism plays a leading rôle.

The names assumed by the several groups of anti-slavery societies did not always denote the special nature of their policies. Between 1774 and 1792, a large number of so-called abolition societies were founded in America, but their purpose was merely to promote the gradual decline of slavery, and they nearly all disbanded in discouragement at the reactionary trend of public opinion about the close of the century. The British "Society for Abolishing the Slave Trade," founded in 1787, accomplished the abolition of the traffic in British vessels; and, furthermore, it founded a free-negro colony at Sierre Leone, which in spite of its own ill success suggested the scheme of colonization to the problem-

solvers in the United States. The "American Colonization Society" was launched in 1816 for the purpose of promoting harmony as well as for relieving the negroes. The colony of Liberia had many vicissitudes and little success, and the society shortly fell into innocuous desuetude.

The Garrisonian Agitation.

In 1830-31 the preceding movements were overshadowed by the Garrisonian agitation for the immediate, universal and uncompensated abolition of slavery. With the *Liberator* as its organ and a widely extended federation of "anti-slavery societies" promoting it, root-and-branch abolitionism forced itself into immediate consideration as the most serious menace to the established institutions of the South. The tone of this Garrisonian propaganda may be gathered from the following "texts" selected from contemporary writings, and printed with approval at the head of the editorial columns of the *Liberator*. The two here given are from the writings of the Rev. George Bourne and were printed in the issues of December 24 and 31, 1831, respectively:

"XVII. 'We assert, that no slaveholder is innocent; that he is an unjust, cruel, criminal kidnapper, who is guilty of the most atrocious transgression against God and man; that it is the most infatuated delusion for such men to believe, or the most impudent hpyocrisy in them to profess themselves innocent; * * * that the general management of the slave is a complication of indescribable barbarity; * * *'"

"XVIII. '* * * The system is so entirely corrupt that it admits of no cure but by a total and immediate abolition. For a gradual emancipation is a virtual recognition of the right, and establishes the rectitude of the practice. If it be just for one moment, it is hallowed forever; and if it be inequitable, not a day should it be tolerated.'"

The Radical Political Abolitionists.

The early Garrisonian movement fell in a time when there was much prophesying and much following of prophets. There were agitators for Jack-

sonian Democracy, the extension of the suffrage, anti-Masonry, women's rights, Owenism, and many other legal and social reforms, for Unitarianism, Transcendentalism, Mormonism, and the Campbellite movement, as well as for the abolition of negro slavery. With such a clamoring of prophets, there was sure to be schism in many of the reform groups. The principal division which befell the Abolitionists was upon the question of participating in or abstaining from party politics. Garrison impressed his closest followers with the notion that the U. S. constitution was a league with Hell and they avoided the contamination of the ballot box. The faction led by Birney, Gerrit Smith and the Tappans, somewhat more practical in their methods, broke away in 1838, founded a separate federation of societies and constructed party machinery for operation in Federal politics. Birney, nominated by the Liberty Party for President, received 7,059 votes in 1840 and 62,300 in 1844. In 1848 the Liberty party merged with the Van Buren machine and the resultant Free Soil party cast 291,263 votes for Van Buren; but in 1852, with a platform denouncing slavery as "a sin against God and a crime against man," the vote for their presidential candidate, T. P. Hale, fell to 156,149. After 1854 the political abolitionists went into the Republican party, which supplanted the Free Soil organization. However, they retained their federation of local societies and in some degree their independent political machinery, and thereby exerted a powerful influence on the Republican party and greatly heightened the effect of their menace to the South.

The transactions of a convention held in 1855 show the attitude and policy involved. The official documents of the convention were published with the title: "*Proceedings of the Convention of the*

Radical Political Abolitionists, Held at Syracuse, N. Y., June 26th, 27th and 28th, 1855. *Slavery an Outlaw and Forbidden by the Constitution"* (N. Y., 1856). At the beginning of this pamphlet is printed the call for the convention, issued the preceding April, signed by Lewis Tappan, William Goodell, Gerrit Smith, Frederick Douglass, and others. It recites that the Whig, Democratic and Know-Nothing parties, by reason of their composition, will not attack slavery; that the Free Soilers oppose the extension of slaveholding but deny the right of the Federal government to touch slavery in the states or to admit the right of the slaveholders to claim every state government as their servant in slave-catching; and that the Garrisonian abolitionists, while laboring to abolish slavery, are unwilling to employ political power to this end and even seek to bring about secession and leave to the slaveholders their power of oppression. The "Liberty Party," however, which the convention is called to reorganize, "is the only political party in the land which insists on the right and duty to wield the political power of the nation for the overthrow of every part and parcel of American slavery." Next follow a declaration of principles, an exposition of the duty of the Federal government to abolish slavery, an address to the people of the United States, a platform and the minutes of the convention. The "declaration" contends that the "Constitutional Fathers" did not establish slavery by law and that if they had done so it would be the duty of the present generation to use the constitution according to its *"righteous"* language and against their unrighteous intentions. (All present italics are those of the original). It declares:

"We believe slave holding to be an unsurpassed crime, and we hold it to be the sacred duty of civil government to *suppress* crime. * * * We consent to no dissolution [of the Union] which would leave the slave

in his chains. * * * The ground which we occupy is to us *holy* ground; the ground of the *true* and of the *right*. * * * marked out by the divine law of loving our neighbors as ourselves. * * * We call on all the friends of pure religion and of our common country to come to the rescue and cast in their lot with us in this great struggle. * * * We are resolved to go forward."

A typical item from the convention's exposition of the government's duty is the following: Slavery is an attainder because it imposes disabilities on the child on account of the condition of the parent; the Federal constitution forbids bills of attainder; therefore it forbids the maintenance of slavery. The exposition concludes with the contention that Congress may abolish slavery in the states by virtue of the general welfare clause in the constitution. In their address to the people of the United States, the imprisonment by Southern states of persons inciting slaves to escape is denounced and a claim of immunity for such agitators is made on the ground that citizens of each state are entitled to all the constitutional privileges of the citizens of the several states. Fugitive slave laws are declared an outrage because slavery is an outrage, and such laws should be trampled underfoot as unlawful because they are a part of the slaveholding system. In conclusion, the formal resolution or platform adopted by the convention set forth: (1) That experience has proved there is no way of getting rid of the evils incidental to slavery except by ridding the country of slavery itself; (2) That the party rejects as useless all schemes for limiting, localizing or ameliorating slavery, and all measures which do not look directly to the immediate and unconditional repression of slavery in all parts of the country; (3) That it opposes the exportation of colored persons; 13. "That while we believe much in *moral suasion,* as persuading to efficient *action,* we also insist that without such action it loses its power;"

20. That the party will use every effort to annihilate the abominable spirit of caste against the colored people.

The Trend of Southern Reaction, 1830 to 1860.

The platform of this convention expressed what the Southerners had long and anxiously dreaded as the real principles and policies of the Abolitionists. The rise of such radical propaganda naturally produced a reaction of sentiment in the slaveholding sections, the stages of which are recorded in numerous contemporary utterances. Professor Dew's famous essay on slavery, 1833, was rather a guide to public opinion than an index of it; but that the ideas expressed by Dew were common to thinking men is shown by the following editorial on the subject of the *Liberator,* published in the *Federal Union,* of Milledgeville, Ga., a leading organ of Southern sentiment, in its issue of Jan. 12, 1832:

"We censure no man for an enthusiastic devotion to the abstract doctrines of universal liberty, and perfect equality. They are beautiful and just in theory: but they are impracticable in the present state of the world. In a society constituted of the best materials, and most happily organized, inequalities in the conditions of different men will of necessity be produced, by differences in their talent and industry, and in the fortuitous circumstances which befall them in life. * * * In the present condition of the Southern states, a condition for which no living men are accountable, the propriety of a general emancipation of their slaves cannot for a moment be admitted by the wildest visionary. To release hundreds of thousands of human beings from those restraints under which alone they have been accustomed to labour; to disgorge on society hundreds of thousands of paupers, who are averse to labour, would produce scenes of indolence and confusion, and wretchedness, and ruin, such as have never been witnessed on earth. But the paper published at Boston, whose name we have placed at the head of this article, has not the apology of a generous devotion to this philanthropic but impracticable theory. It breathes a spirit of rancorous hostility to the white population of the South, instead of that expansive benevolence which seeks the welfare of the whole human family. It aims not, by the arts of peace, by the voice of reason and of virtue, to improve the condition of mankind; but it strives to kindle the revengeful passions of our colored population, and to incite them to the most fatal convulsions. We do not believe that the *Liberator* will produce any effect; but if it exert any in-

fluence over the white population, it will be to make them more suspicious of their slaves, more watchful, more stern and more inexorable in their public policy and their domestic government: if it exert any influence over our slaves, it will be to increase and foment their discontents, and to goad them to insurrections and massacres, which cannot fail to be visited with severe and direful retribution on their own heads. * * *

The phase into which the opinions of the thoughtful slaveholders had developed in 1840 is exemplified in the following extracts from the letters of Dabney, in T. C. Johnson's *Robert Lewis Dabney,* pages 67, 68:

" * * * Before the abolitionists began to meddle with our affairs, with which they had no business, I remember that it was a common opinion that domestic slavery was at least injudicious, as far as the happiness of the master was concerned. I do believe that if these mad fanatics had let us alone, in twenty years we should have made Virginia a free state. At it is, their unauthorized attempts to strike off the fetters of our slaves have but rivetted them on the faster * * * the change of public opinion in the South, favorable to the continuation of slavery, doubtless arose partly from free discussion. We have investigated the subject, and we find emancipation much more dangerous than we had before imagined. Who knows but that this uproar of the Abolitionist, which has almost broken the ties of our political union, and thrown back the poor slave from his hope of approaching emancipation at least half a century, which, in short, has been to our view productive of nothing but evil, may have been designed by Providence as a check upon our imprudent liberality. * * * But yet I do not believe that we ought to rest contented that slavery should exist forever, in its present form. It is, as a system, liable to the most erroneous abuses. * * * While abolition is impossible, yet I believe much might be done to modify the system and remove abuses (of which the greatest is the domestic slave trade), while we retain the good parts of it."

As the years passed and the abolitionist denunciations grew more bitter, and the Northern public appeared to incline toward the adoption of the anti-slavery cause, the tone of Southern public opinion grew more decidedly reactionary. The dread of social wreck and rapine, as the result of radical abolition, so greatly outweighed the ills of the existing system that by contrast slavery seemed a positive good. An index to the progress of this doctrine is the essay written in 1845 by James H. Hammond, a leading South Carolina politician, in which he op-

posed the resort to abstract theory, favored the exclusion of the rabble from political power, compared the condition of Southern slaves favorably with that of English and Northern laborers, and praised the slavery system as developing the best in the negroes without lowering the character of the whites. Even so well poised a man as Calhoun adopted this argument of the "positive good" of slavery; and where Calhoun led, tens of thousands followed. For campaign purposes all qualifying clauses were dropped and slavery was proclaimed a sound institution which ought to be maintained against all attacks, permanently if need be, or at the least until quieter times should return and the Southern people be able to consult peacably with themselves and remodel their adjustments with the negro population.

The calamitious nature of the prospect for the South in case the abolitionists should commit the Federal government to their policies was seen vividly by Calhoun; and the course of developments to be expected in that dread event was described by him in a memorial to the Southern people in 1849, signed by a large number of the Southern delegation in Congress. When read with our present knowledge of what actually occurred in the reconstruction period, the correctness of Calhoun's prophecy seems little short of supernatural. An excerpt from the address follows (*Calhoun's Works,* Vol. 6, pp. 310, 311):

" * * * If it [emancipation in the South] ever should be effected, it will be through the agency of the Federal Government, controlled by the dominant power of the Northern states of the Confederacy, against the resistance and struggle of the Southern. It can then only be effected by the prostration of the white race; and that would necessarily engender the bitterest feelings of hostility between them and the North. But the reverse would be the case between the blacks of the South and the people of the North. Owing their emancipation to them they would regard them as friends, guardians, and patrons, and centre, accordingly, all their sympathy in them. The people of the North would not fail to

reciprocate and to favor them, instead of the whites. Under the influence of such feelings, and impelled by fanaticism and love of power, they would not stop at emancipation. Another step would be taken, to raise them to a political and social equality with their former owners, by giving them the right of voting and holding public offices under the Federal Government. * * * But when once raised to an equality, they would become the fast political associates of the North, acting and voting with them on all questions, and by this perfect union between them, holding the white race at the South in complete subjection. The blacks, and the profligate whites that might unite with them, would become the principal recipients of Federal offices and patronage, and would, in consequence, be raised above the whites of the South in the political and social scale. We would, in a word, change conditions with them, a degradation greater than has yet fallen to the lot of a free and enlightened people. * * *"

The final stage of policy in public affairs, among men who were more ready in action than in thought and foresight, is shown by the following editorial from the Montgomery, Ala., *Mail,* reprinted with comments in the Atlanta *Intelligencer* of Jan. 11, 1860:

"'We observe that meetings of citizens are being held in many of the counties of the state of Georgia for the appointment of Vigilance Committees and to adopt measures for the protection of their respective communities against abolitionist emissaries. The last *Americus Republican* contains the proceedings of two such meetings, one held in that city on the 22d and the other at Preston, in Webster county, on the 21st. Both meetings adopted appropriate resolutions and appointed Committees of Vigilance, embracing many of the leading citizens of these counties.'

"We clip the above from the Montgomery, Ala., *Mail.* The exigencies of the times demand that the strictest vigilance should be observed in regard to all suspicious characters. We have among us a host of drummers, lecturers and others, travelling through the country, many of whom are honest and trustworthy. Others are wolves in sheep's clothing, sent among us to spy out our liberties and sow the seeds of disunion and insubordination among a certain portion of our population. Let all such be strictly watched, and if found guilty of interfering with our local institutions let tar and feathers or hemp be their reward."

The Aggressive Strategy of the Abolitionists.

In the three decades of embittered contention over slavery, the root-and-branch abolitionists, in addition to their activity at the polls and on the floor of Congress, developed four principal methods of as-

sault on the slavery system: They scattered incendiary doctrines among the negroes; they petitioned Congress for hostile legislation; they aided fugitives to escape re-capture; they colonized voters in doubtful territory.

For many years before the radical agitation began, the slaveholding commonwealths had maintained laws penalizing any incitement of the slaves to revolt or to flee from service, and it was obviously dangerous for abolitionists to agitate within the reach of such statutes. The rise of emergencies nearly always led promptly to the stiffening of these regulations; and such changes in the black codes usually brought outcries from the abolitionists of the North. An instance is the South Carolina legislation of 1822 and 1823 (impelled by the occurrence of the Denmark Vesey plot), which provided for the more stringent policing of free persons of color and forbade, under penalty, the entrance of such persons into the state. The act of 1823 specially provided that if any ship should enter a port of South Carolina with a free person of color on board, such person should at once be put in jail and kept there until the ship was ready to sail. The abolitionists, of course, denounced this legislation. By dint of persistence, they persuaded the Massachusetts legislature, in 1836, to send Samuel Hoar to South Carolina as a commissioner to bring a case into the courts and carry it on appeal to the Supreme Court of the United States, and thereby have it annulled as unconstitutional on the ground of its being a violation of the rights of the citizens of the several states. On reaching Charleston, Hoar found his mission so obnoxious to the populace that in fear of mob violence he departed.

Incendiary Documents in the Mails.

There were occasioned reports of the arrest of suspected abolitionists in the South, but before the day of John Brown at Harper's Ferry very few of the agitators really risked their own persons. The black codes made personal agitation among the slaves perilous. Their principal field of work was the circulation of printed matter; and this brought up the issue of incendiary documents in the mails. From 1830 onward there were occasional commotions in the South over the discovery of incendiary publications in transit. Most of these were simply newspapers with wood cuts of negroes under the lash, in chains or on the auction block, together with declarations against the sin of slaveholding. The publication which caused the greatest excitement was the pamphlet *Appeal,* by the negro David Walker, printed in 1829, urging the slaves to rise in insurrection. In July, 1835, self-appointed committees in a number of places seized all the abolitionist publications in the local postoffices, usually with the consent of the postmasters, and destroyed them in public bonfires. The Charleston postmaster requested the New York postmaster to stop forwarding such matter, and after a futile appeal to the anti-slavery societies to stop putting their documents in the mails for the South, the matter went to the postmaster-general, Amos Kendall. Kendall refused to issue formal instructions in the premises but sent the Charleston postmaster a virtual approval of the policy of censoring printed matter in the mails. In his annual message President Jackson soon after advised Congress to enact a law that publications regarding slavery should not be delivered by the postoffice in states prohibiting their circulation. In 1836 Calhoun introduced a bill to restrict the postoffice in circulating incendiary pub-

lications, but it was defeated in the Senate. Aided by a willingness of the local postmasters to search and censor the mails, informal vigilance by the citizens continued to be the only check maintained upon the circulation of the abolitionist publications.

Anti-Slavery Petitions in Congress.

Their organization into societies enabled the anti-slavery people to meet the large expenses of printing and postage without heavily burdening individuals, and in many other ways aided the radical agitation. These societies particularly promoted the work of the "Underground Railroad" and facilitated the preparation of petitions to Congress and their signature with hundreds of thousands of names.

The petitions episode was one of insignificant beginnings but of conspicuous development and large consequences. In December, 1831, John Quincy Adams, then a new member of Congress, introduced into the House a batch of petitions praying for the abolition of slavery in the District of Columbia, saying at the time that he acted merely as the agent of his constituents and deprecated the purpose of the petitions as leading to ill will and no good result. These and other similar petitions following were referred to the committee on the District, which reported unfavorably on the large number given to their consideration. After February, 1833, there was a perfect hail of these memorials and to relieve the committee of its burden the House began to lay them upon the table as received. To systematize this procedure, in the spring of 1836 the House resolved that thereafter all petitions referring to slavery or the abolition thereof should be laid upon the table without discussion or publication. About the same time the Senate resolved to answer every

petition with a set formula: "That the prayer of the petition be not granted." Henry A. Wise, of Virginia, explained the grounds of the Southern attitude in the House in 1835:

"Slavery, interwoven with our very political existence, is guaranteed by our Constitution, and its consequences must be borne by our Northern brethren as resulting from our system of government, and they cannot attack the institution of slavery without attacking the institutions of our country, our safety and welfare."

The House and Senate rules shutting off debate were not adopted without a contest. The quarrel in the House was particularly hot and stubborn. At an early stage James Buchanan made a prophetic remark, far above his usual standard:

"Let it be once understood that the sacred right of petition and the cause of the abolitionists must rise or must fall together, and the consequences may be fatal."

The work of John Quincy Adams was to accomplish this union of anti-slavery doctrine and the right-of-petition in public opinion. The popular right of petition was not really endangered at the time; but Adams saw fit to believe that it was, and he justly won the title of "Old Man Eloquent" in his denunciations of the "gag-laws," and every stroke made against the policy of restricting debate was effectually a stroke in aid of the abolitionist agitators. Early in the course of the debate Henry Clay had contended that it was wiser to leave congressional discussion free as an escape valve for popular excitement; and several representatives from the lower South voiced the same opinion. The director of the gag-law was Calhoun, for once in his life short-sighted. Everyone that he could control he whipped into line, whether Southerner or Northener, and thereby made it appear that a pro-slavery phalanx was overriding Northern liberties.

In forcing the adoption of the gag-rules Calhoun won a tactical victory similar to that of George III.

in excluding John Wilkes from a seat in the House of Commons. When public sentiment finally overwhelmed the king's obstruction and seated Wilkes, it promptly became evident that Wilkes had no disturbing message to utter. The gag-rules were proven futile before they were discarded. The abolitionists caused the state governments of Massachusetts and Vermont to present anti-slavery memorials which could not be treated with silent disapproval; and the anti-slavery Congressman used any and every occasion to drag in denunciations of slaveholding and all the pro-slavery policies. Joshua Giddings was censured by the House in 1842 for violating the gag-rule. Giddings promptly resigned his seat and was as promptly re-elected by his Ohio constituents. The gag-law had been renewed in the rules of each new Congress, but by constantly decreasing majorities. At length in 1844 Adams succeeded in striking it from the rules of the House and it was never revived.

So long as the gag-rules were in effect, the societies kept up a heavy bombardment of Congress with their petitions. As soon as they were removed, the petitions against slavery were found to be hardly worth while as affording substance for discussion. The bombardment promptly flagged. In 1853, with little protest, the House provided in a new set of rules that no petitions on any subject should thereafter be presented in the open House but they must be deposited with the clerk and by him handed to the proper committees. From that day to this petitions have never come before the House at all except upon the report of a committee, and no one has found a grievance in this later gag-rule. As to the abolitionists, after 1844 they lost much of their interest in the right of petition and

diverted to other phases of their policy the public favor the gag-law episode had won them.

The Fugitive Slave Problem.

The problem of interstate and intersectional rendition of fugitive slaves was one of the most delicate which ever confronted American legislators and executives. The duty of Congress and the several states, under the constitution, was to prevent the escape of slaves across the state lines and to provide for their rendition to their lawful owners upon demand. This obligation was agreed to by every state upon entering the Union, and the states could not legitimately be relieved of it except by amendment to the constitution. On the other hand, the laws must safeguard free persons from being kidnapped and reduced to slavery under pretence of their being fugitives from service. As to the vesting of power and responsibility in the premises, the constitution was vague. Unless the Federal and state governments worked out a harmonious and efficient system, there would be perpetual wrangling over constantly recurring issues. Furthermore, all this delicate adjustment must be made and maintained in the face of any clash of theories or policies which might arise between the states or sections. The constitution, as an interstate compact, left no discretion to Congress or the state governments as regards fugitive rendition, and permitted little readjustment to fit changing ideas and needs.

In the first years under the constitution a clash of policy as regards rendition and kidnapping arose between the governments of Virginia and Pennsylvania. When appeal was made to President Washington for support he referred the general problem to Congress. The result was the enactment of the law of 1793. This act empowered the owner or his

agent to seize an alleged interstate fugitive slave, permitted ownership to be proven by an affidavit of the captor before practically any court near the scene of the capture, and required the magistrate thereupon to issue a certificate giving title. It also penalized the concealment of a fugitive or any interference with his capture, by a fine of $500. The fundamental defect of this law was that it entrusted the administration of Federal legislation to state officials over whom the Federal government had no control. The act soon proved unsatisfactory on both sides. It did not effectually prevent the kidnapping of free negroes, nor did it insure the interstate rendition of fugitives. Public opinion in the free states hindered the law's operation. The courts of the free states disrelished the duty of enforcing an obnoxious Federal law; and by technicalities, mainly hinging on the writ of habeas corpus, many difficulties were thrown in the way of slave rendition. An effort made in 1817 to increase the efficiency of rendition was defeated, and no change in the statute was made until 1850.

State Interferences With Rendition.

As the years passed the difficulties increased. Slave prices in the lower South rose to very high levels, and the kidnapping of free negroes in the border states became extremely tempting to men of lawless inclination. On the other hand, the growth of anti-slavery sentiment in the North increased the popular activity in hindering rendition, and even in defying the law outright. Some of this obstruction was informal and either secret or tumultuous, while some of it took the deliberate form of state enactments professing to supplement the Federal statute, but really thwarting its provisions and purpose. An Indiana law of 1817, for example, forbade rendition without jury trial. A Pennsylvania statute of 1825-6

debarred the evidence of the owner or his agent in proving title. And a New York act of 1840 went so far as to require jury trial, provide the alleged fugitive with counsel and levy damages of $100 upon the captor for the benefit of the alleged fugitive in case of failure to prove title. The validity of such acts was tested before the United States Supreme Court in the case of Prigg *vs.* Pennsylvania, 1842. The decision of the court was that the Pennsylvania act was unconstitutional and that legislation on the subject lay within the exclusive scope of Congress; but that Congress could not impose the duty of executing Federal laws upon state officials. This decision was not a crushing reverse for the abolitionists. They promptly caused the Massachusetts and Vermont legislatures to enact laws, 1843, prohibiting state officials from executing the fugitive slave law and forbade the use of state jails for the detention of fugitives. Pennsylvania and Rhode Island passed similar acts in 1847 and 1848.

The Underground Railroad.

Meanwhile the abolitionists were also systematizing their work of persuading slaves to flee from service and assisting them to make good their escape. The "Underground Railroad" developed secretly, enlisting many "conductors" and "station masters" in its unpaid and illegal service and establishing a network of routes by which fleeing negroes, once having crossed the Maryland border or the Ohio River, were expedited in their flight across the Northern states. On their journey they were welcomed only as transients on their way to Canada, where they might obtain a permanent though not a hospitable asylum. It has been estimated that between 1830 and 1850 as many as 50,000 slaves were successfully spirited out of danger of recapture

through the services of this "Underground Railroad." In a few cases the agents of this somewhat informal organization were caught by officials of the law and prosecuted. In 1841, Burr, Work and Thompson were seized in Missouri and sentenced to twelve years' imprisonment for inciting slaves to escape. In 1840, John Van Zandt was detected aiding the escape of fugitive slaves in Ohio and suffered judgment of $1,200 as damages to the owner of the slaves. An appeal to the United States Supreme Court failed to reverse this judgment, 1847; but an appeal to public sentiment in Ohio made Van Zandt a martyr and a hero. The temper of the abolitionists and their friends was defiant of the law, and every appeal of the slaveholders for legal protection strengthened the degree and widened the spread of the feeling of outrage in the North.

The Rendition Act of 1850.

By 1850, the paralysis of the rendition system had reached such a stage that a revision of the Federal law was imperative. This problem was but one of a large group of sectional issues to be dealt with at the time; and as the result of a sort of bargain between the sections, the South secured a more efficient rendition law in exchange for her consent to the admission of California with a non-slavery constitution and to the prohibition of the slave trade in the District of Columbia. In this bargain the South was the loser, because the concession it received could be nullified by conspiracies and tumults among the Northern people, while the concessions it yielded were of a sort which practically could not be nullified or recalled.

The final act of 1850 for the interstate rendition of fugitive slaves repeated the provisions of the act of 1793 so far as concerned the acceptance of the affi-

davit of the claimant as sufficient proof of ownership; but it made the innovation of transferring the jurisdiction in fugitive slave cases from state courts to Federal courts and commissioners appointed by them; and it made United States marshals responsible under a penalty of $1,000 for the execution of warrants under the statute and for the custody of captives. It debarred the testimony of the alleged fugitives in the trials; it made the seal of the court such conclusive evidence of title that captives were deprived of resort to the writ of habeas corpus; and it fixed the fees of the magistrate officiating at $5 in case the decision were in favor of the negro and at $10 if in favor of the claimant.

"Uncle Tom's Cabin."

The act as a whole manifestly and professedly made the United States government an agent of the slaveholders in recapturing their slaves. As such it was not out of keeping with the established Federal constitution and laws; and yet as a practical policy its wisdom was doubtful at best. In fact, the operations of the "Underground Railroad" were stimulated by the act, and riots began to occur upon sundry occasions for the rescue of slaves from arrest and rendition. Garrison's *Liberator* and the *National Era* of Washington published reports of all such and gave conspicuous praise to the lawbreakers. There was a huge crop of pamphlets, the greatest of which by far was that by Harriet Beecher Stowe, *Uncle Tom's Cabin,* first published in the *National Era* in 1851, and then issued in book form to the extent of nearly 500,000 copies within the decade. Multitudes of readers who could not have been reached by politicians or by frankly political pamphlets eagerly drank in Mrs. Stowe's emotional description of the negroes as a highly religious and

moral people, who differed from high-grade white men and women, not in intelligence nor in sentiment, but merely in the color of their skin; and these multitudes gathered by inference that the fugitive slave law was an unexampled atrocity, worthy of no man's countenance. Whatever might have been said in reply could obtain no hearing from the thousands who became imbued with Mrs. Stowe's philosophy. If slaveholders admitted that their system had its evils, they were denounced for not overthrowing it at once and forever; if they denied its evils, they were damned as incorrigible tyrants who must themselves be trampled underfoot with all their works, in the advancement of the cause of liberty. State enactments impeding the execution of the Federal law, more drastic than those characteristic of the preceding decade, were made by Vermont, Rhode Island and Connecticut in 1854, by Maine and Massachusetts and Michigan in 1855, by Wisconsin and Kansas in 1858, Ohio in 1859, and Pennsylvania in 1860. These acts required testimony by two witnesses to prove ownership, provided gratuitous legal services by state officers on behalf of negroes in custody, and penalized the unsuccessful claimants of alleged fugitives. An anti-rendition machine grew up for the purpose of liberating slaves and not wholly without the purpose of exasperating and harassing the slaveholders.

The Fire-Eaters.

Had the loss of wealth involved in the escape of slave property been the sole issue, the South might have gained its end better by maintaining a heavy frontier police all along its borders. But the policy of enforcing the maintenance of a Federal rendition system had its source more in sectional political friction than in economic considerations. This is

evidenced not only by the course of the debates, but also by the fact that the cause was more vigorously championed by men from the lower South, which lost very few slaves, than by the spokesmen from the border states, from which slaves were more or less constantly escaping across the line.

By the middle forties Yancey, Rhett, Quitman, and other Southern extremists, the "fire-eaters," had already reached the belief that the permanence of the Union on a basis of equity to the slaveholding South was impossible. They believed it only a question of time when the North would become thoroughly tyrannical over the outvoted South and would destroy all effective provision for Southern self-government. They accordingly thought it the soundest policy to arouse the people and hasten the final arbitrament. With the fire-eaters the insistence upon rendition was part of a provocative program. With more moderate men the same policy was approved, in partially blind resentment, as a show of resistence to Northern aggression. To state, as do most of the standard historians, whether expressly or by innuendo, that this and the policy of slavery extension in the territories were gratuitous aggressions of the South, would show a grievously biased reading of the documents.

In 1858 the Fugitive Slave Act of 1850 was tested before the Supreme Court of the United States in the case of Ableman *vs.* Booth. The court unanimously decided that the act was constitutional and the state attempts to nullify it unconstitutional and of no effect. But by this time the agitation of the people had passed the stage where court decisions could be of any avail except as contributing material for partisan arguments.

The Issue of Slavery in the Territories.

The final crux of sectional antagonism came in the issue of the territorial expansion of the slavery system. The vital character of this problem had not been perceived at the time of the Northwest Territory Ordinance, 1787, and in fact did not appear vividly until the Missouri Question was stumbled upon by the politicians. At that time such a vista of future conflict was revealed by the discussion that all parties hastily agreed to patch up a settlement and shut the frightful prospect from view. This compromise of 1820 admitted Missouri as a slave-holding state, but prohibited slavery in all the rest of the territory of the Louisiana Purchase north of latitude 36° 30′.

Up to this time states had been admitted to the Union in pairs, so as to maintain the Senate balance between the "slave" and "free" states; but after the lapse of two decades more the prospect for the South became very gloomy in this regard, and her champions began to grow desperate. After the admission of Arkansas in 1836 there was no more territory but Florida for pro-slavery colonization, while the non-slavery preserves on the other hand embraced the immense Northwest, stretching from Illinois and Missouri to faraway Oregon. The acuteness of the situation was temporarily relieved by the Texan annexation in 1845; but Texas, huge as she is, was not adequate to maintain the equilibrium.

The Wilmot Proviso.

The definitive struggle was opened by the Wilmot Proviso, interrupted by the Compromise of 1850, and reopened as an irrepressible conflict by the Kansas-Nebraska act. Incidental were the filibustering expedition for Cuban annexation in 1850, the Ostend Manifesto of 1856 urging the seizure of Cuba

by the United States government, the proposals in Southern commercial conventions of 1855-60 for reopening the Africa slave trade, and the Dred Scott decision and dictum of 1857, by which the problem-solvers on the supreme bench tried to remove the territorial issue from politics. The first three of these projects were supported only by a few extremists in each instance, such as Quitman in the first case, Mason and Soulé in the second, and Spratt and De Bow in the third. The project of reopening the African trade was intended to enable the South to colonize more territory with actual slaveholders, but it was everywhere rejected as involving too much disturbance of the established Southern industrial order. Moreover, as a matter of practical politics it suggested little hope of success. The Dred Scott item was more important because it offered a plausible method of promoting slavery extension. It proved a boomerang, however, in furnishing something new for the abolitionists to denounce.

The territory involved in the Wilmot Proviso contest was that wrested from Mexico as the price of peace in 1846-47. The proposal made by this famous Proviso to exclude slavery from the whole of that acquisition was debated with great acrimony from 1846 to 1850. Meanwhile, rapid settlement led to an application by the people of the California portion of that region for admission to the Union with a non-slavery constitution. Under Clay's management the Congressional bargain of 1850 admitted California as a free state and left the problem of slavery in Utah and New Mexico to be determined by the courts, or in due time by the settlers.

Kansas-Nebraska, A Forlorn Hope.

The pro-slavery element soon found that it had been outmanœuvered in this so-called compromise,

and that its position was now more difficult and strategically weaker than before. What Calhoun had realized in 1848 now came to be seen vividly by a large group of Southern leaders: that the preservation of the senatorial balance and Southern security was a forlorn hope as well as a desperate necessity. At this stage Stephen A. Douglas, Congressman from Illinois, in January, 1854, introduced his bill to open the Kansas-Nebraska region for settlement with a system of territorial government permitting any and all citizens of the United States to emigrate thither with their property, and to determine later for themselves by majority vote whether negro slavery should be locally permitted. Congress hastily adopted Douglas' plan and erected the two territories of Kansas and Nebraska on a free-for-all basis of immigration. The act promptly aroused a bitter discussion in the sectional presses, and it shortly gave occasion for sectional rivalry in colonizing voters in Kansas, and a bitter wrangle in Congress and the newspapers as to the legitimacy of the methods used by either side.

Had the colonization of Kansas been a normal, spontaneous movement of people in search of better material opportunities, the North would have had the advantage. Its population was constantly swelled by European immigration, and the South, offering comparatively little inducement to wage-workers or small farmers and receiving practically no recruits, had well-nigh exhausted its remnant of colonizing strength in Missouri, Arkansas and Texas. Moreover, the Kansas soil and climate offered little inducement for colonization by men with plantation gangs. When the issue took the form of promoting and financing an abnormal rush of voters and fighters into the territory, the South was again and more decisively at a disadvantage. The free-

soilers had their society organizations and society funds at command, and in their communities a great supply of floating capital was available for any emergency of the popular cause, whereas the Southern people were very slightly organized and, as usual, short of cash. The one advantage of the pro-slavery side was dangerous: the proximity of Missouri and the willingness of the pro-slavery Missourians to invade Kansas on election days and stuff the ballot boxes. When the free-soilers denounced this practice, the reply followed that the colonization of anti-slavery voters by the Emigrant Aid Societies was also illegitimate, and the devil, whether in saint's clothing or not, must be fought with fire.

Secession.

A recent field inquiry by the present writer among the people on both sides of the Missouri-Kansas boundary has given him reason to believe that there was a much more even distribution of virtue and villainy between the respective factions than the historians have generally described. The crusading spirit, whether pro- or anti-slavery, was shared by the just and the unjust; and the agencies for colonizing voters, North and South, enlisted immigrants in the stress of the times with little inquiry as to their personal quality. The equipment and advice given the anti-slavery colonists suggested aptly the nickname "Beecher's Bibles" for their Sharp's rifles. The hideous murders by John Brown and his sons on the Pottawottamie were not an unnatural product of the conditions. On the other hand, many of the Missourians who invaded Kansas on election days were moved by an emotional exaltation not unlike that which impelled friends of the negro to despise and defeat the fugitive slave rendition law in Ohio or Massachusetts. Others in the Missouri

bands, of course, went in dogged anger; while youths joined the junkets in the same holiday spirit of adventure which led many thousands a few years later to join the great armies in Virginia.

The conditions in Kansas led quickly to reprisals. Guerrilla warfare broke out, and the free-soilers were the first to cry outrage. The slavery advocates retorted that their men had done less outrage than the free-soilers. The politicians and the masses of the people in each section had now reached the stage where they were deaf to any arguments but those of their own side; and each section proceeded to work itself into a frenzy of bitterness. Responsibility for the Kansas crisis is attributable, in part, to the folly of Douglas and his followers in assigning a huge national problem to the decision of prospective settlers in vacant territory, and partly to the irrepressible character which the general struggle between the sections had acquired. In 1858 the free-soilers raised such a clamor over "bleeding Kansas" and the exclusive pro-slavery responsibility for her bleeding, and wrought the North into such a rage of resentment, that numerous moderate Southerners came to advocate the admission of Kansas into the Union as a free state in order to mitigate the crisis. But Kansas was kept in a "bleeding" territorial status for two years longer. Dwelling constantly on this issue, the abolitionists increased the advocates of the radical anti-slavery program to such an extent that when, in the fall of 1860, the Republican party captured the presidency, it gave high promise of government without respect to Southern sentiment or interests. The Southern body politic, long developing a distinct national sentiment, now finally faced the alternative of submitting to the prospect of early oppression or of immediately seceding from the Union.

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Chapter VIII.

THE INDIAN PROBLEM IN THE SOUTH.

Introduction.

THE Indians have been generally studied from the point of view of the white man, and this has shown aggression on the one side and a sullen retreat upon the other. They well deserve study, however, on their own account, and it will be found that the most interesting, because the most numerous, are the Southern Indians. At the North the Iroquois dominated all other, but at the South the four great tribes of Cherokees, Muscogees, Choctaws and Chickasaws existed alongside each other and grew to something like a system of international relations. Any one of these tribes was as numerous as the Iroquois, equally brave and sufficiently warlike, while all were susceptible, as it proved, of a higher degree of civilzation.

There were originally other tribes, such as those in Virginia and the Carolinas, but during our period, from the formation of the Federal government to the War of Secession, these had become insignificant. Many of them were practically extinct, and one great tribe, the Tuscaroras, had migrated northwardly to become the sixth nation of the Iroquois. The four tribes which mainly concern us occupied the mountain country at the southern end of the Appalachian system. The Cherokees were highlanders, as their name imports, living on both slopes of the Alleghanies, in touch with the colonial system of the English on the Atlantic and the French in the Mississippi Valley. Southwest of them about the upper reaches of the Alabama and Chattahoochee rivers were the Muscogees, who originally claimed the territory to the Atlantic. To their west on both

sides of the Tombigbee River were the Choctaws, who originally touched the gulf of Mexico on the south as well as the Mississippi River on the west. Adjoining them to the northwest were the kindred Chickasaws in the hilly country about the head waters of the Tombigbee. Across the Mississippi were other tribes, but they had in recent times become much weakened and were a negligible quantity. The Arkansas and Natchez had disappeared, the Sioux and Apaches had retired to the western plains. Even the beautiful country drained by the upper Arkansas River was practically uninhabited.

At the time of which we speak the Indians had somewhat lost their primitive independence. The French, Spanish and English colonists had taught them the use of firearms, and, unfortunately, also fire-water, and primitive manufactures had given way to cloth and articles brought by the traders. Nevertheless the four great tribes lived secluded, and came in contact with the whites only through occasional traders and infrequent conferences over boundaries and disputes of various kinds.

The government was tribal, or, to speak more strictly, local. What was called a town was really a settlement made up of several villages with a central place for a council. Some of these villages would have more interests in common than others, and would act together, while over the whole tribe would be a general war chief and a general peace chief. Polygamy was the rule, descent was counted in the female line, and religion in its primitive or natural forms had a strong hold in almost every department of life. The doctor and priest were united in the medicine man. Food and clothing were simple, largely confined to the products of the country. Agriculture was little practiced and the main reliance was upon fishing and the chase. For this

reason a larger extent of the country was necessary than in the case of the more settled white man. Trade hardly existed, except so far as hunting had developed an exchange of skins and furs for goods with the neighboring European colonies. The number of the native population is, of course, uncertain, but the Cherokees numbered several thousand warriors, which would probably be multiplied by five to get the total population. The Choctaws came next, and then probably the Muscogees and Chickasaws in succession.

The Spanish exploration had but little permanent result, and it was the French who first really influenced these nations by founding Mobile in 1702, and afterwards New Orleans. The latter city, on account of its position on the Mississippi, grew faster, but Mobile and its dependent posts up the Alabama and Tombigbee remained the centre of Indian diplomacy under the French. On the British side Charlestown occupied a similar position, even after the foundation of Savannah, for Augusta was rather a station for Carolina traders than for those of Georgia.

By the Treaty of Paris in 1763 Great Britain acquired from the French and Spanish the east half of the Mississippi Valley, including Mobile and Florida, and a new Indian policy succeeded. Instead of recognizing the Indians as fellow subjects, the British drew a sharp line between them and the whites. The French had never acquired land by formal cession, but had used what they needed by tacit consent of the natives. The Anglo-Saxon civilization, however, was of a more concentrated character, and from the beginning the British government had pursued the plan of acquiring by treaty definite tracts of land for white settlement. Oglethorpe had done this with the Muscogees, and, con-

temporary with the Peace of Paris, the Treaty of Augusta had extended these boundaries up the west bank of the Savannah River. Two years later the same policy was carried out by the new province of West Florida, where the west bank of the Tombigbee and the east bank of the Mississippi and a connecting coast strip were ceded to Great Britain by the Choctaws.

During the American Revolution the Indians were friendly to the royal cause on account of the fact that Superintendent Stuart and other officials remained loyal to the government which appointed them, and the American Confederation and its Southern members entered upon an Indian policy beset with difficulties. These were the more acute because West Florida, which embraced what afterwards became the states of Florida, Alabama and Mississippi, had become Spanish, although Georgia claimed that portion of the northern limits which would embrace most of the Indian territories.

The Federal Indian Policy.

The Spaniards, however, were soon crippled by the wars of the French Revolution, and Georgia was given almost a free hand. Indeed, so far was she from the seat of Federal government, which was first at New York, and so weak was this government, at least under the Confederation, that Georgia took and for a long time maintained her own initiative. Her dealings with the Cherokees and Muscogees or Creeks furnish a large chapter in the history of the Southern Indians. In 1785, by the treaty of Galphinton, she undertook to acquire considerable territory from the Creeks, and in the next year the Confederation, at Hopewell on the Keowee River, made treaties with the Cherokees, Creeks and Chickasaws which conflicted with what Georgia had done. Thus

began a long quarrel between the state and the Federal government, inherited by the stronger Union which, in 1787, succeeded the Confederation. President Washington had in his early life been thrown much with the Indians, and was deeply concerned for their welfare. The new constitution had secured to the Federal government the right of making treaties with foreign nations and the Indian tribes, and the President set about organizing Indian affairs upon a basis of justice to the red man and the white. Agents were appointed among the different tribes, whose duty it should be to be the means of communication between them and the whites. With the agents should be blacksmiths and wheelwrights, and traders were under their supervision. If the white man could have been kept within his treaty boundaries, the red man might gradually have grown up into civilization, and more than one Indian state might now form integral parts of the American Union.

This, however, was not to be, and the story is one of successive invasion by the white men, who were often unscrupulous, resulting resistance by the Indians, and then a treaty, secured by negotiation or war, in which the white boundaries were advanced at the expense of the Indian. On both sides it is a story of cruelty, in which the red man, however, has the excuse of but following instincts which had not been subject to centuries of civilization.

The first steps were taken with little difficulty; the Indians had more lands than they actually needed, and in 1790, 1802 and 1805 the Georgia boundary was advanced to the Ocmulgee River, high up on which was built Fort Hawkins, long the residence of the distinguished Indian agent of that name. The Cherokees and Chickasaws were too far off to be at first drawn into this system of purchases,

but the year 1805 saw the extension of white bounds in central Mississippi Territory, the successor of the old province of West Florida. The original Choctaw cession to the British had included the coast from Mobile Bay westwardly to the Mississippi, and now this was broadened so as to embrace the tract south of the road cut by the American troops when they marched, in 1798, from Natchez to Fort St. Stephen on the Tombigbee. But the time was rapidly approaching when further cessions could not be readily obtained; for, if the whites were increasing in number, the Indians at least were not decreasing, and their retreat was approaching the limits needed for support by hunting and fishing. Either the Indians must change their manner of life, or the whites must confine themselves within the territories already acquired. There was no alternative.

One of the curious features of America was the lack of domestic animals, which in other parts of the world had led mankind from hunting upward through the pastoral stage to agriculture. Horses and cattle were originally unknown in America, and this accounts largely for the stationary nature of Indian culture. This need Hawkins undertook to supply, and all through the Upper, and particularly the Lower, Creeks were seen rail fences, cattle and plows for the men, as well as spinning wheels and looms among the women. These were steps whose importance can hardly be overestimated, and no little credit is due to the warriors that they were able to overcome ancestral tendencies to war and give themselves to occupations which they had always believed fit only for women and children.

The Missionaries.

Lorenzo Dow, in his circuit riding among the whites of the Southwest, complains that Hawkins

"treated him cool," and certain it is that the worthy Colonel laid little stress upon the religious needs of the Indians. The defect, however, was supplied from another quarter. From an early day the American colonists, particularly at the North, had interested themselves in the religious welfare of the natives. Eliot and Mayhew had devoted their lives to missionary work, and with such success that they inspired the churches with much of their fervor. The Congregationalists and Presbyterians, in particular, took up the cause, and in the first years of the new century established a missionary station among the Cherokees at a place which they named Brainerd. The missionaries returned to the old plan of Spanish padres, all unconsciously though it be, and taught civilization as well as religion. The station was a school, not less of plowing and spinning than of writing and reading, and the rudiments of civilization went hand in hand with those of religion. It is true that it was only as a voice crying in the wilderness, a flickering light in a vast region of darkness, but it inspired others to take up the work. Some years later we find a similar station named Eliot on the Yazoo River, between the Choctaw and Chickasaw Indians. Mayhew followed among the Eastern Choctaws, and gradually other stations with similar objects dotted the Southwest.

The Creeks.

The Muscogee Confederacy, particularly the Upper Creeks, although kin to the Choctaws, proved less amenable to these approaches. This was not for the lack of enlightened leaders. Alexander McGillivray, the half-breed son of a Charlestown trader, and William Augustus Bowles, an English adventurer, in the last part of the Eighteenth century successively held the confidence of the Creeks.

McGillivray was shrewd and patriotic, although from the point of view of the whites he has been compared to Talleyrand. To him was due the treaty of New York of 1790, by which the Creeks placed themselves under American protection and admitted traders licensed by the government. He held both American and Spanish commissions, and preserved the confidence of both these opposing interests. His home not far from the old town of Coosa would have done credit to a white man of means and culture. Fruit trees, fields and cattle were there, and in his comfortable house were books and evidences of refinement. He was a welcome visitor also to the Spaniards at Pensacola, where he was a silent partner in the large trading house of Panton, Leslie and Company. There he died in 1793, and was buried in the garden behind the dwelling of William Panton.

William Augustus Bowles, on the other hand, was one who in somewhat earlier days would have been a freebooter and somewhat later a filibuster. As it was he was merely a shrewd Englishman who lived among the Creeks and secured unbounded influence over them. He was expelled by McGillivray, but returned, and for a while directed the policy of the Muscogees, whom he even undertook to put under a British protectorate. He was captured by the Spanish at one time but escaped, and many were the sighs of relief when his death was finally announced.

With such teachers, the future of the Muscogees was uncertain. There were many half-breeds among them, and the confederacy, itself composed of incongruous tribal remnants (for the Creeks embraced Alibamons, Muscogees, Natchez and others), was the resort of criminals as well as turbulent men, whose presence was not desired by the white settlements. One of the numerous remnants was a settlement of Shawnees, a tribe which had occupied the western

part of the present Tennessee, but at the beginning of the Eighteenth century had wandered north of the Ohio River. The child of a marriage between a Shawnee and a Creek woman was Tecumseh, who grew up in the Northwest. Looking forward joyfully to an outbreak between American and English, he took, in 1811, a journey southward. On the way he endeavored to stir up the Choctaws to war, and it required the great power of Pushmataha to counteract his influence. More successful was he among his Creek kinsmen on the Coosa, and yet it was done in such a way that the astute Benjamin Hawkins, who was present at the Tookabacha council, foresaw nothing worse than a Creek civil war. The old Indian agent could not believe that his many years of civilizing work could go for nothing. He forgot Voltaire's saying that scratch a Russian and you will find a Tartar; and the Indian was even less civilized than the Russian. The difference between the Muscogees and the other Southern tribes was that from their position they were really within the sphere of influence of the Spaniards at Pensacola and Mobile, even if they were nominally within the bounds of the United States. When the War of 1812 broke out and the Indians were reminded of the old British alliance, it became more than a civil war. Mobile had been occupied in 1813 by the Americans, but this rather accentuated Indian hostility than otherwise, and the unsuccessful attack at Burnt Corn by whites from the Tombigbee was a practical declaration of war. Fort Mims was attacked by the leader, who was called Red Eagle by the Indians and Weatherford by the whites, and the torch and tomahawk were displayed from one end of the nation to the other.

The Muscogees had lived in isolation, but the hostiles did not take into account that, if Mississippi

Territory was weak, there had grown up towards the north a vigorous community which had been trained in Indian wars. The Nashville district had been a great temptation to the Spaniards, and it had grown strong and self-reliant, in semi-independence even of the Union; but there was ingrained in it, as much as in the older state of Georgia, a hostility to the Indians. When the cry "Remember Fort Mims" spread through the Southwest, Tennessee earned its name of the "Volunteer State."

The details of the Creek War have been told elsewhere. Suffice it to say that Floyd with the Georgia militia advanced westwardly through the friendly Lower Creeks, the Mississippians under Claiborne marched from Fort St. Stephen up the Alabama, and Tennesseeans under Andrew Jackson swept southwardly from Huntsville down the Coosa Valley, winning victory after victory, until their commander dictated peace in the old French fort, Toulouse, now renamed for him.

Jackson was generous to Weatherford when the Indian sought aid for his countrymen, scattered and starving in the woods, but was relentless in the terms of cession which he exacted. West of the Coosa and of a line drawn southeastwardly from Fort Jackson, the whole territory now making up central and eastern Alabama and Florida was ceded to the United States. The Muscogees were not only separated from the more civilized Choctaws, but the heart of the Alabama-Tombigbee basin was opened to white settlement. Instead of a contiguous territory extending from the borders of Carolina to the Mississippi, there remained the Cherokees and Creeks on the one side, and on the other the Choctaws and Chickasaws, now more than ever attached to white interests.

A new epoch in Indian affairs dates from the

treaty of Fort Jackson. The Chickasaws, Choctaws and Cherokees yielded even more readily than before to the influence of agents and missionaries, and, while the Upper Creeks remained quiet, it was a sullen waiting rather than acquiescence in the new conditions.

The Choctaws.

The scene shifts to the western districts, where the cessions by the friendly Choctaws soon became insufficient for the growing population. In 1820 a great treaty was negotiated at Doak's Stand, where what is known as the Second Choctaw Cession or New Purchases was arranged. This widened the original Natchez district and extended it far up the Yazoo Valley, and possibly the richest portion of Mississippi came into white hands. It was, however, soon outgrown, and while the Choctaws had become agriculturists, and therefore needed less land than originally, the whites would not mingle with them, and in a decade became so numerous that even the fear of war lost its terror. The state of Mississippi, by acts of the legislature in 1829, declared Americans living among the Indians subject to Mississippi law, a provision which caused great confusion, and then reënforced it by abolishing tribal government and declaring all red men citizens of the state. Perhaps in the long run the salvation of the Indian was dependent upon his becoming a self-governing American citizen, but this was not the object of these enactments, nor at that time could they have this result. The Indian knew no other rule than that of his chief and council, no other law than the customs which had been handed down from his ancestors. The land belonged to the tribe and he was not ready for individual ownership.

The object of these laws was to make the situation of the Indian intolerable and force him to accept

the standing offer of the United States to transport him to the fertile lands on the upper Arkansas River. It finally had this result, and by the treaty of Dancing Rabbit in 1830 the Choctaws, largely by the influence of Le Flore, one of the three great chiefs, ceded their entire territory to the Federal government. This treaty provided for the grant of land in what was known as Indian Territory, for an annuity to the tribe, as well as to the chiefs, with also a provision that those who preferred could remain with certain property and become citizens of Mississippi.

Thus was accomplished, without bloodshed, that towards which the hand of fate had pointed for many years. And yet it was not accomplished without trouble. Le Flore was by many deemed a traitor and his life was long in danger. But at last, after a year or two of preparation, by far the most of the tribe took up their journey towards the west. Some overland, some on the dreaded steamboats made their way up to their new country on the Arkansas. There they settled between the two branches of the river, remote, solitary and alone, to remodel under new conditions their old civilization.

Georgia.

The history of the Muscogees is not dissimilar. A cession was made in 1821 which carried the Georgian boundary to the Flint River, leaving Fort Hawkins far in the interior, but in the next year a council was held which resolved never to cede more territory. The pressure, nevertheless, continued, and in 1824 Georgia attempted to obtain all the lands of the Lower Creeks west to the Alabama boundary. The Upper Creeks disputed the rights of the Lower to act alone even concerning their own territory, and upon remonstrance to the Federal government Pres-

ident Monroe supported their views and declared the Georgia treaty void. Governor Troup had been active in this measure, and, when notified that military force would be used to support the Federal contention, replied that he would meet force with force. Civil war was imminent, when a compromise was effected by which the Federal government used its influence to secure a ratification of the Georgia cession, and in 1827 the cause of difficulty was removed.

While civil war was averted among the whites, the same was not true of the red men. Chief McIntosh had been active in effecting the treaty, and in revenge he was butchered when forced from his burning dwelling. Quiet was restored, however, and at last Georgia had no Muscogees within her bounds except such as chose to remain as citizens.

The Cherokees.

In many respects the most interesting of the southern Indian tribes were the Cherokees, of perhaps Iroquoian stock. Moravian missionaries, as well as French Jesuits, were among them in colonial times, and after the Revolutionary War these Indians, especially the Upper Cherokees, or those north of the mountains, took kindly to agriculture, although the Lower, south of the Alleghanies, remained hunters. Treaties succeeding those at Hopewell in 1785, and Holston in 1791, took them under Federal protection. This did not prevent trouble with the pioneers under Sevier, Robertson and others who were building up a greater commonwealth in the place of the defunct state of Franklin. Whether passing Cumberland Gap and down the Cumberland or Tennessee rivers, there were incessant conflicts, and the new state of Tennessee had hatred of the Cherokees ingrained in her. Thus, too, the agree-

ment between the United States and Georgia of 1802, for the surrender of that state's claims in Mississippi territory, contained a hidden source of trouble in the Federal promise to remove all Indians as fast as their title could be extinguished.

From time to time Lower Cherokees were induced to migrate to the new hunting grounds west of the Mississippi until, by 1817, some three thousand had settled north of the Arkansas River. In the meantime those who remained in the old seats like Echota, Etowah and Tellico made rapid progress. By 1804 they had schools, six years later abolished savage customs like blood feud, in 1820 established a government with executive and legislative branches, and seven years later adopted the name of Cherokee Nation and a written constitution. Their own Sequoyah, in 1825, invented an alphabet suited to their language, and a result was, in the year of the constitution, the setting up of the first Indian press and next year the beginning at New Echota of the *Phœnix,* a newspaper which was to outlive their removal.

The nation was prosperous and further advanced in civilization than any Indians north of Mexico when the discovery and mining of gold, which seemed to promise so much good, proved their ruin. John Ross, one of the many half-breed descendants of the banished Scotch who had followed the Pretendor in the '45, was long their leader, but he had to contend with Georgia, intent on possessing the territory out to her nominal borders and resentful at what she deemed neglect by the United States. A series of laws in 1828-1830 abolished Cherokee government and customs in favor of state jurisdiction, and yet were enforced with such care as to avoid a test in the Federal courts. Finally, however, a case was made in 1831 of Cherokee Nation *vs.* Georgia (5

Peters, p. 1), but only to result in Marshall's celebrated decision that the nation could sue, but was not a foreign state in the sense of the Constitution, and that the question involved was a political one on which the executive and not the judicial department must pass. A decision next year (Worcester *vs.* Georgia, 6 Peters, p. 596), declared the Georgia acts void as to rights of life and liberty, but the case was settled out of court. The President at the time was Andrew Jackson, and his sympathies were so much with his fellow pioneers that unlike Monroe he would afford no aid to the Indians.

Except in a hopeless war the Cherokees were without redress, and a kind of civil war did follow a cession, in 1835, by a quasi-congress of chiefs. The peaceful, if patriotic, Boudinot was assassinated, but the work of forcible removal began. Hundreds escaped to find homes about the Great Smoky Mountain and in North Carolina, but within three years several thousand had joined the lower Cherokees in the new Indian Territory.

The Chickasaws.

The bravest, or perhaps one should say the most desperate, of the Southern Indians were the Chickasaws. They fought the French until they were but a remnant. Always friendly to the English, this partiality, their small number and location on the upper Tombigbee, far from the course of early American migration, saved them from most of the hard experiences of the other tribes. In 1785 they were included in the treaty of Hopewell, and in several succeeding treaties their boundaries with Cherokees and Choctaws were fixed, and cessions of lands made to the United States. In 1801 they joined in the Choctaw agreement for a road on the line of the Natchez Trace, which connected the Nash-

ville and Natchez districts and encouraged white immigration to the Southwest.

In 1834 was the final cession of land, followed by their removal to Indian Territory. The Choctaws already had the southern part of the country, and the Chickasaws, in 1837, arranged for the western part of this district. They were practically merged in the Choctaw government but became discontented with finding their representation limited to their small numbers. In 1855 the Federal government secured their separation, and the Chickasaw nation afterwards enjoyed an independent and prosperous existence.

The Seminoles.

Possibly the most tragic story is that of the Seminoles (or Seceders), who had already branched off from the lower Creeks in colonial days to roam in Florida. They were not directly involved in the Creek War, but their active Spanish sympathies, for they occupied the old Apalache country, induced Andrew Jackson to chastise them severely in what is known as the First Seminole War, 1817-18. They harbored refugees, white, black and criminal, and were lawless and inaccessible. Their leaders yielded to the usual inducements, and in 1834 ceded their lands, but this action was repudiated by the bulk of the nation and a desperate war ensued from 1835-42. Until his capture and death in Fort Moultrie prison, the leader was Osceola, a typical Indian in much that was good and much that was bad. The Americans needed several good generals before the Seminoles could be subdued.

Some escaped to the Florida swamps, but in 1842-43 the bulk of the nation, probably over three thousand, were transported to new homes in the Indian Territory. There in a small district west of the

kindred Creeks they worked out their salvation so well as to become one of the Five Civilized Tribes.

In the Indian Territory.

When the movement westwardly of the Mississippi was accomplished, the Indians found themselves in a country much like that from which they had come. The eastern part of the Indian Territory is in soil, climate and products much the counterpart of the country about the upper Tombigbee and Alabama. The red men could, therefore, set to work developing their civilization under similar but freer conditions. Their neighbors were Southerners, for the Territory had Arkansas on the east, Texas on the south, and even Kansas on the north contained many people of southern extraction. To the west were the great plains, less fertile and sometimes arid, and settled by Osages, Kickapoos, Comanches and Apaches, between whom and those who became the Five Civilized Tribes there was little in common, and, therefore, little intercourse.

When the removal was complete the alignment was in the new country almost the same as in the old. To the northeast were the Cherokees on the northern branches of the Arkansas River. Next southwest were the Creeks, between the Arkansas and the great branch named the Canadian River. Southward were the Choctaws, bounded by Arkansas and Texas. Furthest west were the Chickasaws, extending like the Choctaws from the Canadian to the Red River. The Seminoles found their location in the southwestern corner of the Creek reservation. In the two and a half decades before 1860, while the United States were rent by the discussion over slavery, the Indians were living quietly in their new home, developing the civilization whose germs they had acquired east of the Mississippi River. Each

tribe had its villages and towns much as before, and the principal change was the gradual growth of something like state systems. Each nation came to have an executive, legislative and a judicial organization. It is interesting to notice the recurrence of old names of places. Among the Cherokees, Tallequah was the capital, and among the Creeks, Okmulgee. The Cherokees, although not the largest in extent, ever remained the most populous, leading with some twenty thousand people, followed closely by the Choctaws.

The Federal government at first was represented by forts as in the old country, of which Fort Smith, in Arkansas, and Fort Gibson, I. T., were among the principal. As settled conditions began to prevail the military were less in evidence, and from the forties the Superintendent of Indian affairs was a part of the Interior and not of the War Department. To him the different Indian agents in the territory, as well as elsewhere, reported. Much more active civil and missionary work was undertaken than had been the case east of the Mississippi, and the government even sought advice of the different denominations in choosing agents.

It was sought to encourage agriculture and gradually this became the principal industry. Manufactures have never played a great part, and the mechanical industries have been confined to such occupations as smiths and wheelwrights. A constant effort has been made to keep out the sale of liquors, which was proving an even greater curse in the new home than in the old just in proportion as the Indians, on account of the annuities and money held for them by the government, found less need for active employment.

The view of the Indian problem taken by the Federal government differed at different times. Origi-

nally the intention was to let the Indian develop a peculiar civilization of his own, but experience showed not only that this would not stand in the face of Anglo-Saxon competition, but that the Indian, particularly the Cherokee, could absorb the white man's culture. The removal prevented foreign interference, and it was in the mind of far-seeing statesmen that the time would come when the Indian could himself become an American citizen. The first step was to keep him secluded from the white man's vices and land hunger, and endeavor to develop whatever was in the national ward. Up to the War of Secession, while old religions and customs were fading and with the old languages giving place to those of the whites, the tribal system seemed secure for an indefinite period.

The Indians, after all, were largely southern in sympathy. Despite the oppression which they had often suffered east of the Mississippi, they retained a love for the South and its people, and were subject to much the same influences in their new home. When the War of Secession broke out it was to find an echo in the Territory, and the Confederate States had no warmer supporters than among the Five Civilized Tribes. Indeed, such was the destruction wrought in this Indian civil war that there, even more than elsewhere in the South, was there to be need for a real reconstruction. This was to offer an opportunity for a change of Indian policy, for steps which would abolish tribal influence and the custom of treaties as with foreign states, make an opening for land ownership in severalty, and for railroads and the like.

The Indian Territory, therefore, was more than a living museum. To it were transplanted from the North and West wandering tribes whose condition was not greatly changed, except for the worse, by

the confinement to which they were subjected; but more interesting and more important was the history of the Five Civilized Tribes transferred from the Gulf states, and who gradually, but in a much shorter time than had the white man, grew upward from savagery to agriculture, and might yet become fit for American statehood.

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Chapter IX.

THE SOUTH IN THE INTERPRETATION OF THE CONSTITUTION.

Difficulty of the Subject.

IN the making of the American Nation, the Southern states have played a conspicuous part—a part which has not received proper recognition at the hands of historians at home or abroad. This neglect of the South is largely the result of the views which the South has held with reference to the constitution of the United States,

views which in general have not coincided with the constitutional theories and doctrines of Northern writers and jurists. The interpretation of the constitution has been the chief feature of national politics, and on this subject there has never been unanimity of opinion throughout the country at large; therefore no statement of the South's part in the "interpretation of the constitution" will be entirely satisfactory to all parties or to all students of constitutional history and law. Moreover, prejudice has entered into the discussion of the question, due to the fact that over certain constitutional principles was fought the great War of Secession, producing bitterness and feeling, so that one can scarcely enter upon a discussion of this subject without preconceived notions and ideas. In this paper an effort is made to look at the question from an historical standpoint without reference to consistency either on the part of the North or the South, and to trace the evolution of constitutional interpretation.

The Southern View of the Nature of the Constitution.

As an introduction to the subject, let us examine the Southern view of the nature of the constitution. To Southerners, the Union was a compact, entered into by separate and distinct political bodies. Such was the Union of the states under the Articles of Confederation, and such the South believed was the Union under the present constitution. According to this compact theory, the government of the United States was created by the states and all the powers of the Federal government are held in trust for the states themselves. Sovereignty, therefore, does not belong to the government of the United States or to any state government, but to the people who made the government of the United States and the states, that is, to the people of the several states taken in-

dividually and not to the people of the United States as one mass. These are the views expressed by Alexander H. Stephens, and, in general, were the views held at the time of the adoption of the constitution of the United States. Such were the views of Mr. Madison and Mr. Jefferson, and even of Mr. Hamilton himself, with reference to the question of sovereignty, though Mr. Hamilton differed from Mr. Madison and Mr. Jefferson as to the limitations placed upon the Federal government.

In the constitutional convention of 1787, there had been an element opposed to any recognition of state sovereignty, but when a proposition was brought forward to establish a strong national central government with power "to negative all laws passed by the several states contravening, in the opinion of the national legislature, the Articles of Union or any treaties subsisting under the authority of the Union," it was defeated by a vote of seven states to three; whereupon, the extreme, "states rights" element of the convention, headed by Luther Martin, of Maryland, passed a resolution which was embodied in the constitution as the second section of Article VI., expressly restricting the United States government to its delegated powers. It seems that all the members of the convention understood that the constitution which went into effect in 1789 was only for a more perfect Union, to give to the Federal government more delegated powers, better organization and better machinery, but not to interfere with state sovereignty; in other words, to remedy the defects of the Articles of Confederation. This statement, however, has been denied by many Northern jurists, among them Judge Story, who said that such an idea certainly never entered the minds "of the enlightened band of patriots who framed the Declaration of Independence." John Marshall him-

self, though a loose constructionist, acknowledged that the states were separate and independent before the formation of the Articles of Confederation and that this principle was certainly recognized by the Articles of Confederation. The Southern view has always been that the constitution of the United States did not interfere with the sovereignty of the states, but only gave Congress certain specific powers which it did not already have under the Articles of Confederation. Under this construction, the constitution established a Union which did not differ from the old Union, though many Northern jurists have held that when the convention of 1787 was in session, by a sort of mutual agreement, the powers of the states were not only limited but sovereignty was taken from the hands of the people of the states separately and placed in the hands of the people of the United States as a whole. As a matter of fact, it was Mr. Hamilton who led the fight in the convention for such a national government, but was defeated by the Southern representatives under the leadership of Madison, Randolph and Luther Martin. The composition of the Senate of the United States indicates the independence of these states, and Chief Justice Marshall declared that if all the states, or the majority of them, refused to elect senators, the legislative powers of the Union would be suspended.

Still it must be recognized that when the constitution was submitted to the people of the states for ratification, the question was whether the constitution did not by a consolidation of the separate sovereignties of the states make more than a Federal Union. Patrick Henry pointed out in the Virginia convention that such an interpretation was possible, and that on these grounds the constitution should be rejected. John Taylor, of Caroline, was defeated

by his two uncles, James Taylor and Edmund Pendleton, as a member of the Virginia convention because he said such an interpretation might be possible, and therefore that the constitution ought to be rejected.

An examination of the ratifications of the constitution by the several states shows the interpretation that was placed upon the constitution when first adopted. Pennsylvania, Delaware, New Jersey and Georgia, the first four states to ratify, held to the old Federal idea, while the fifth state to ratify, Connecticut, said that the sovereignty of the states was not at all interfered with, for "the constitution does not attempt to coerce sovereign bodies, states, in their political capacity." Massachusetts had some misgivings about the matter, and its convention drew up a series of nine resolutions guarding the rights of the states. The first resolution stated: "That all powers not expressly delegated by the aforesaid constitution are reserved to the several states to be by them exercised." Under the interpretation that the sovereignty of the states was properly guarded, Massachusetts ratified the constitution by a narrow margin of nineteen majority. Maryland approved the constitution on the assumption that it created a Federal government, while South Carolina ratified with a series of resolutions guarding the rights reserved to the several states. The ninth state, New Hampshire, ratified with resolutions not unlike those of Massachusetts. The tenth state, Virginia, after a long discussion in which Mr. Madison informed the convention that the states' rights were properly guarded and Mr. Henry that they were not, adopted the constitution by a small majority. Virginia expressly stated that "the powers granted under the constitution being derived from the people of the United States may

be resumed by them whensoever the same shall be perverted to their injury or oppression and that every power not granted thereby remains with them and at their will." Even such a man as Mr. Marshall thought that Virginia's terms of ratification became a part of the compact, and, therefore, the constitution could not be binding, but with the condititon stated in Virginia's ratification. The eleventh state, New York, fought over the same problem with Mr. Hamilton explaining that the constitution made a Federal government, while the twelfth state, North Carolina, which did not ratify till November 21, 1789, held the same views. Fifteen months after Washington's inauguration, Rhode Island joined the Union, ratifying in a series of articles, one of which specifically said that "the powers of government may be resumed by the people whensoever it shall become necessary to their happiness." Thus it is seen that the interpretation placed upon the constitution at the time of its adoption by the conventions of the respective states was that in its nature a Federal government was formed, one in which the sovereignty of the states was not interfered with. But the fact that this view was not expressly stated in the constitution was a source of annoyance to many and caused opposition on the part of the conservative leaders. By some it was said that the constitution was an experiment and that the states could withdraw at will, while others did not agree to this proposition. On account of the uncertainty of this interpretation, Virginia and Rhode Island made definite reservations as to their rights of resuming the powers which were granted to the United States government. All things considered, it seems that history will fully sustain the statement that at the time that Washington was inaugurated, the country at large believed in state

sovereignty and a Federal government, though the constitution did not express this view in specific terms.

The National Bank Issue a Phase of the Question of Interpretation.

With the inauguration of Washington on April 30, 1789, the work of the new government began in earnest. The question of the powers of Congress came up in the first apportionment bill when Mr. Hamilton and his friends favored applying the ratio of representation to the population of all the states as one mass instead of applying it to the population of each state separately. Mr. Jefferson insisted that this principle was unconstitutional and the measure was vetoed by Washington. Since that time, the apportionment by Congress has been made to the states separately. In this administration was added to the constitution the Eleventh Amendment, prohibiting the judiciary of the United States from giving cognizance to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another state or by citizens or subjects of any foreign states. Congress deemed this action necessary, for the suing of a state by an individual was a blow at its sovereignty. It is interesting to note that the Southern view—that the judiciary should thus be restricted so that state sovereignty might not be questioned—was held with unanimity, for the new amendment passed the Senate with only two dissenting votes and the House of Representative with only one.

On the national bank question, however, the loose constructionists prevailed and Hamilton's measure was passed by Congress and approved by Washington, though Jefferson opposed it as exceeding the powers granted to Congress. The national bank

issue really was the basis of division of the country into political parties; the loose constructionists, or Federalists, following Hamilton's lead, favored extensive congressional powers, and the strict constructionists, Republicans or Democrats, following Jefferson, favored the limitation of Federal jurisdiction to those powers specifically granted to Congress in the constitution. To the former party belonged New England solidly, while to the latter party belonged the solid South; the Middle states were debatable ground. With the New England view a few Southerners at this time were in sympathy, notably Marshall.

With the election of Jefferson as President, the Democratic party came into power and held the reins until the election of William Henry Harrison. Its leaders were Southerners, chiefly strict constructionists, but at times the loose construction element of the North, reënforced by certain loose constructionists of the South, succeeded in passing through Congress bills whose import was to interpret the constitution broadly. This gave rise to opposition, and in nearly every case John Marshall, dominating the Supreme Court, rendered a decision favorable to broad and general powers for the Federal government. The charter of the national bank established at Hamilton's suggestion expired in 1811, and the Democratic party, believing in strict construction, refused to renew the charter. Five years later, the bank was re-chartered under the influence of Mr. Madison, who, though he had previously vetoed a bank measure, approved a second bill, because of the demand for a uniform national currency, reëstablishing the national bank for twenty years. Mr. Calhoun, afterward to be the leader of strict construction, was on this measure in accord with Clay and Webster, but the Southern vote was greatly di-

vided, most of the Southern leaders opposing the bank measure. Those who opposed the measure pronounced it unconstitutional. However, the National Bank act was upheld by the Supreme Court under Marshall in the case of McCulloch *vs.* Maryland.

Though the charter of the bank was not to expire until 1836, Andrew Jackson as soon as he became President began his fight to destroy it, declaring that in spite of the decision of John Marshall, in the case of McCulloch *vs.* Maryland, the national bank was unconstitutional. In a message to Congress in 1829, seven years before the charter was to expire, he said: "Both the constitutionality and expediency of the law creating this bank are well questioned by a large portion of our fellow citizens." This bank matter also involved the question of whether all banks should not be established by state authority. A number of the Southern Democrats believed in the national bank, though at this time the vast majority of them were opposed to it, and as a result of this question those Southerners who favored the bank joined the Whig party. The country at large favored the bank, three-fourths of the state legislatures declaring for it, and a measure to re-charter the bank passed Congress. It was promptly vetoed by Jackson. Benton lead the majority of the Southerners in opposition to the bank measure, while McDuffie and Clay lead the minority of the South that favored its re-charter.

Jackson's veto and his determined action in removing the deposits from the national bank prevailed because of Southern support. It made the Whig party, however, which elected William Henry Harrison and John Tyler. Unfortunately for the Whigs, Harrison died almost immediately after his inauguration, and President Tyler, a strict con-

structionist, vetoed the Whig measure to reëstablish the national bank, on the grounds of its unconstitutionality and interference with states rights. Thus on the bank question strict construction views finally prevailed until secession had been accomplished; then, in 1863, a large Republican majority established the present national banking system. Two years later, a tax of 10 per cent. was placed upon the currency of state banks, thus prohibiting them from issuing bank notes. Many Southerners have held that the tax on state banks is unconstitutional, and at times Southern Democrats have advocated the repeal of the tax on state banks in order that our currency might become more elastic. Whenever there is a stringency in the money market, the old question is revived. Though by strict construction of the constitution the tax on state banks is unconstitutional from a Southern standpoint, it nevertheless has destroyed the wild-cat banking system, such as existed in the period between 1830 and 1860 when state banks issued their currency without any basis of security.

Southern View of the Constitution as Seen in the Virginia and Kentucky Resolutions.

When John Adams became President in 1797, the Federalist party of Hamiltonian views prevailed over Jeffersonian ideas. Unfortunately, the Federalists pushed their power too far and passed the Sedition act which declared that it was a crime for any one to write, print, utter, or publish any false, scandalous and malicious writing against either house of Congress or the President. The Jeffersonians regarded this as unconstitutional, violating the first amendment to the constitution, which declared that Congress shall make no law abridging the freedom of speech. In addition to this act, Congress

passed the Alien act allowing the President at his pleasure to order any foreigner whom he might deem as dangerous to depart from the country under heavy penalty for refusing to obey the order. The Republican party regarded these acts as transcending the powers granted to Congress. Jefferson and Madison interpreted these acts as unconstitutional, and Mr. Jefferson drew up some resolutions, one copy of which was sent to the Kentucky legislature and the other copy to Mr. Madison, who modified it and sent it to the Virginia legislature. These resolutions are known in history as the Kentucky and Virginia Resolutions. In substance, they declared that the Alien and Sedition acts were unconstitutional, and that power lay within the states themselves which made the Federal government to judge when the constitution had been violated. These resolutions were the foundation stone of the Democratic party. Upon them Mr. Jefferson was elected President in 1800 and again reëlected in 1804. In fact, no President from Jefferson to Lincoln had denied the principles of the Kentucky and Virginia Resolutions. In the Kentucky Resolutions the statement was made that "the states composing the United States are not united on the principle of unlimited submission to the general government," and that the construction placed by Congress upon its duties was too broad, and that to submit without protest would be to surrender the cardinal principle of our Federal government. These resolutions were transmitted to the other states of the Union, and many of the state legislatures passed resolutions of approval or disapproval. The New England states were pronounced in their disapproval. The following year Mr. Madison became a member of the Virginia Assembly in order that he might answer the resolutions of disapproval. The Assembly adopted

his reply reasserting the compact theory of government. Kentucky also adopted similar resolutions, declaring that "the principle and construction contended for by sundry of the state legislatures that the general government is the exclusive judge of the extent of the powers delegated to it stop nothing short of despotism, since the discretion of those who administer the government and not the constitution would be the measure of their powers; that the several states who formed that instrument being sovereign and independent had the unquestionable right to judge of the infraction, and that nullification by those sovereignties of all unauthorized acts done under color of that instrument is the rightful remedy." Thus we find the basis of the nullification doctrine proclaimed as early as 1798-99. Where these views would have carried the country, we are not able to say, for the election of Jefferson in 1800 upon the Democratic principles embodied in the Virginia and Kentucky Resolutions caused the repeal of the Alien and Sedition laws. Thus, for a time, the South had triumphed in its strict construction of the constitution. We should not forget, however, that party spirit ran high at this time. The Federalist and Republican leaders of the Virginia Assembly were hardly on speaking terms, and would not even reside at the same boarding-houses in the city of Richmond. It was at this time that Patrick Henry, who had opposed the adoption of the constitution, declared himself a candidate for the legislature in Charlotte county, in order that he might come to that body and debate the great constitutional questions with Madison. The story of his speech at Charlotte Courthouse, answered by John Randolph, of Roanoke, then a mere stripling, who was a candidate for Congress as a Jeffersonian Democrat, is told in every school history. Strange

to say, the people of Charlotte elected Henry on one platform to the Virginia Assembly and John Randolph on the opposing platform as a member of Congress. Henry, as will be recalled, died before the Assembly met. How interesting it would have been to posterity to have had the opportunity to read a debate in which Madison was attacking the government which he had, in 1788, asked Virginia to ratify and in which Henry would have been advocating the acts of that government which he had tried to prevent his state from ratifying.

Nullification.

Over the tariff controversy, however, the nullification doctrine was to be tried. The high tariff laws enacted by Congress produced great dissatisfaction in the state of South Carolina, which claimed that tariff for protection was unconstitutional, as by clause 1, section 8, Article I., of the constitution, Congress was granted the right to collect duties for revenue only. This strict construction of the constitution as to tariff has always been, and still is, the Southern view. The state of South Carolina called a convention and nullified the tariff law of 1832 on the grounds that it was unconstitutional, and declared that the same should not go into force in South Carolina. The matter was never brought to a final test, though President Jackson issued a proclamation declaring that the tariff law should be put into force, and Congress passed almost unanimously a "force bill" to compel the state of South Carolina to submit. The Congressional debates over the question discussed the origin of the constitution. The Southern leaders argued for the compact theory, though many were not in accord with South Carolina's action. Northern leaders, notably Webster, held the view that the states could not possibly

get out of the Union and could not possibly nullify a law of the Federal government. To settle the matter peaceably, Clay introduced a compromise by which the tariff duties were reduced, and thereupon South Carolina withdrew her nullification of the tariff law of 1832, though it nullified the force bill, which never was repealed by Congress. South Carolina had accomplished its purpose, in that it caused the reduction of the tariff. On the other hand, in view of the fact that Congress passed a bill to coerce an independent state and that Jackson was preparing to send troops to South Carolina, we clearly see that the doctrine of nullification, when a state had the temerity to attempt it, was not accepted in fact, though in theory the Virginia and Kentucky Resolutions were accepted by Jackson's adherents. Moreover, the Federal Congress at this time by taking no action refused to go on record, for Calhoun introduced a series of resolutions in the Senate declaring that the Federal government was a compact and that the several states had retained their sovereignty. Mr. Webster spoke against these resolutions, claiming that the makers of the constitution had never had any such view and that Mr. Calhoun's view meant secession, a doctrine pernicious and unheard of, and that anything like nullification or secession would be revolutionary, and was both legally and morally wrong. This view had come to prevail in many parts of the North at this time. Mr. Calhoun's resolutions were never voted upon, but, generally speaking, the attitude of the South was favorable to Calhoun's resolutions. On the other hand, President Jackson's view, as clearly set forth in his proclamation against South Carolina, were very different, for, he said, "I consider the power to annul a law of the United States, assumed by one state, incompatible with the existence of the Union,

contradicted expressly by the letter of the constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed." Moreover, the President went further and said: "The constitution of the United States forms a government, not a league. To say that any states may at pleasure secede from the Union is to say that the United States are not a nation. Secession, like any other revolutionary act, may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms." Thus one of the Southern leaders practically declared against secession as a constitutional right. It is also of interest to remember that the Virginia legislature in the midst of this conflict passed a resolution reaffirming her resolutions of 1798, but declaring that these resolutions sanctioned neither the action of South Carolina, nor the proclamation of the President.

Other Questions of Dispute Involving an Interpretation of the Constitution.

The Southerners in the early days broke their theory of strict construction by the purchase of the great Louisiana Territory, which more than doubled the United States. Strange to say, the Federalists of New England, who had stood for loose construction, opposed the annexation of this territory on constitutional, as well as other grounds. Mr. Jefferson realized that the constitution did not give Congress power to annex new territory, and he proposed that the Louisiana Territory should be annexed by a constitutional amendment, but the Southern Democrats in their haste ignored his request and simply annexed that territory by the ratification of

the treaty with France. This self-same Democratic party of strict construction, which was dominated by Southern leaders, afterwards purchased Florida, annexed Texas and acquired large territories from Mexico.

On the matter of internal improvements, the Southern leaders in the early days were pronounced in their views that the Federal government had no right to build roads, canals or to improve harbors within the limits of any state. The clamor for internal improvements, however, was taken up by the Whig party, and on this principle the South became greatly divided, some holding that Congress did have the right under a clause allowing it to build post roads, etc., to promote a system of internal improvements, and on this principle the loose constructionists have prevailed.

Another matter that might be mentioned is the question of taxation other than tariff. The South has for more than a generation advocated an income tax, which could not possibly be constitutional except by a very broad construction of the powers of Congress. As a matter of fact, the Supreme Court of the United States has declared the income tax unconstitutional, but in the face of this the Democratic party in recent years has declared in favor of this measure, thus striking at the power of the Supreme Court.

In passing, it might be noted that many Southerners as well as Northerners were opposed to internal revenue laws taxing distilled liquors, tobacco products, etc., but the loose construction view has come to prevail in this matter, though a few Democratic leaders in the South to-day hold the old view that the internal revenue taxes are unjust and unconstitutional.

The Institution of Slavery and Its Influence on the Interpretation of the Constitution.

The constitution of the United States did not deal with the question of slavery, though it recognized its existence, in view of the fact that Congress was given the power to enact fugitive slave laws under Article IV., section 2, clause 3. When the Quakers of Pennsylvania applied to the first Congress of the United States that steps be taken to provide for the abolition of slavery in all parts of the Union, Congress very properly and very promptly accepted the Southern view that Congress had no power whatever to legislate on the abolition of slavery, a right which lay entirely with the states themselves. This view was held by all the Southern leaders and most of the Northern leaders, though a small minority of the Northern leaders did favor Federal interference. However, by accepting the ordinance for the government of the Northwest Territory passed in 1787 whereby slavery was excluded from that territory, Congress committed the government to a policy of dealing with slavery in the territories, construing the second clause of section three, Article IV., as granting this right. The expansion of the country, no provisions for which were made by the constitution, was closely allied with the extension of slavery; hence much of the opposition of the North to expansion movements. For all new territory the Southerners favored a liberal form of government. For the entire Louisiana Territory, the South stood for slavery because the treaty with France guaranteed to the people of the Louisiana Territory all rights in property which they had enjoyed under Spanish and French rule. When Louisiana was admitted as a state into the Union in 1812, it was bitterly opposed by New England, fearing the influence of new slave states in the

Union. For eight years after the admission of Louisiana matters moved quietly, until the territory of Missouri applied for admission into the Union as a state recognizing slavery. Only a year before Illinois had been admitted into the Union as a free state, and the anti-slavery element felt that it would be injurious to the interests of a free state lying contiguous should Missouri come into the Union holding slaves. Northern members proposed, therefore, that Missouri should be admitted to the Union only after it had abolished slavery. After a warm discussion the bill to admit Missouri on these conditions having passed the House, failed in the Senate. The next year the matter was settled by a compromise, admitting Missouri as a slave state with the understanding that no territory north of the 36° 30′, southern boundary of Missouri, should ever be open to slavery. Those Southern members who did not believe in the constitutionality of a line dividing slave from free territory blundered by voting for the measure, but this only illustrates a political inconsistency, justified by the desire of securing peace and of admitting Missouri as a state. Only eighteen Northern votes were cast for that part of the measure admitting Missouri as a slave state, while thirty-seven Southerners voted against that part of the compromise making a line dividing slave from free territory, claiming that it was unconstitutional. John Randolph, of Roanoke, was one of the Southerners who refused to vote for the compromise. The compromise as a whole, however, was passed by Southern votes, though the Southern view was clearly that territories, being the property of the United States, were open to all the states on equal footing. Mr. Madison, Mr. Jefferson and John Taylor agreed that the act making all territory north of a given line forever free soil was unconstitutional.

Ten years later the abolition movement began to grow. At first it created sentiment opposed to slavery, but soon the sentiment of the North grew into bitterness and became forgetful of the constitutional aspects of the question. This, consequently, produced bitter feeling on the part of the South towards the movement, though in the early days of the Republic many Southerners had favored abolition. The proposition to annex Texas was vigorously opposed by the anti-slavery leaders because it meant a new slave state in territory greater than one-third of the original United States. Following this came the Wilmot Proviso, which barely failed becoming a law, asking that slavery be excluded from all territory secured from Mexico. This Proviso, if adopted, would have been in the eyes of the Southerners as unconstitutional as the Missouri Compromise. In the midst of this fight over the question of slavery in the territories came a new doctrine proposed by some Northern Democrats, among the leaders of whom was Senator Douglas. These Democrats said: "Let the question of slavery alone; the people should rule. If the inhabitants of any section wish slavery, they should have it. If they wish to reject, let the decision be with them. It is a question of internal and not of national policy to be determined by new states as by the old upon the principles of independent local self-government." This was the doctrine of squatter sovereignty, and in opposition to it there came into the political arena the Free Soil party, declaring that all the territories should be kept as free soil. This party, headed by Martin Van Buren, split the Democratic vote of the North, thus resulting in the election of the Whig candidate, General Taylor, as President in 1848.

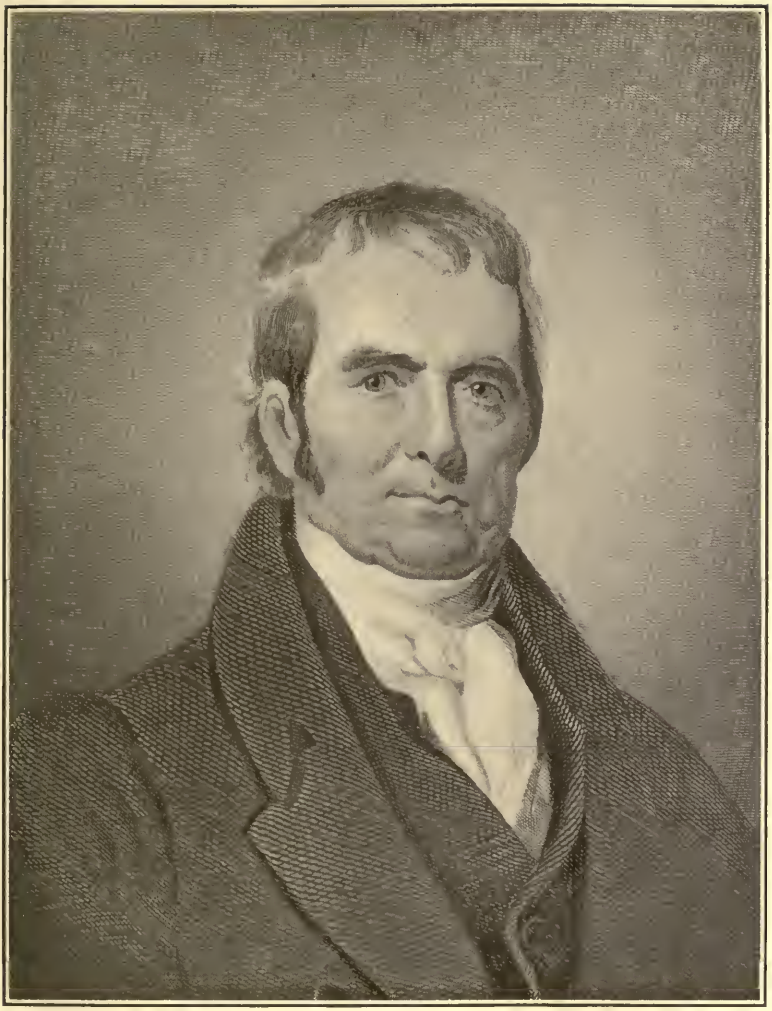
At every step in the slavery controversy the nature of the constitution was debated. When the

question of admitting Texas first came up Calhoun had presented resolutions on the nature of our government, reaffirming the compact theory and declaring that the Federal government had no right whatever to interfere with slavery. The resolutions passed the Senate by a vote of 41 to 34. Ten years later, at the time of the Wilmot Proviso, Calhoun again offered in the Senate a like set of resolutions declaring that the territories were the common property of all the states, and that Congress had no constitutional right whatever to exclude slaves from them. This was approved by the Senate by a close vote. Of practically the same nature were the resolutions offered by Senator Jefferson Davis, of Mississippi, in 1860, preparing the way for secession, which resolutions were opposed by all the Republican senators, but supported unanimously by the Southern senators.

In 1850 California was applying for admission into the Union as a free state, though a portion of it lay south of the line 36° 30′. The Southern view was that all territory south of this Missouri Compromise line should be open to slavery. Again Clay entered the breach and secured the adoption of a compromise, whereby California was admitted as a free state to which the Southerners ought not to have objected, for they believed that every state had a right to settle the question of whether it would or would not have slavery. All the territories south of 36° 30′ were still left open without any restriction as to slavery. The most important feature of the compromise was a stringent fugitive slave law. The South secured all that it could consistently ask for, and the North was chagrined on account of the fugitive slave law. The compromise of 1850, was, therefore, on a whole exasperating to the Northern people.

The first fugitive slave law had been passed in 1793, placing the burden of arresting fugitive slaves upon state officers. The Supreme Court of the United States in the case of Prigg *vs.* Pennsylvania (1842) had declared that the Federal government could not impose upon any state officials the duty of executing the law of the United States, hence the new fugitive slave law of 1850 provided that Federal authorities should arrest fugitive slaves. Slave owners at once demanded the return of many fugitive slaves residing in the Northern states. One of the most notable cases occurred in Boston in 1851 where a negro named Shadrach was rescued from a United States marshal by a mob consisting of some of the best citizens of Boston. Nearly every Northern state also passed personal liberty laws, which prevented the operation of the Federal statute, thus nullifying the fugitive slave law as much in reality as South Carolina had attempted to nullify the tariff act, the only difference between Northern nullification and Southern nullification being that it did not strike directly, but indirectly, and did not proceed constitutionally by calling a convention of the people, but through the legislatures. Had the President of the United States issued proclamations against the states enacting these personal liberty laws and called upon the United States to enforce the fugitive slave law in the same way that Jackson issued his proclamation against South Carolina's nullification and was ready to coerce the state, the history of our country might have been different, and we might have heard of the secession of the Northern and not of the Southern states.

In the meanwhile, the squatter sovereignty doctrine was growing and it was embodied in the Democratic platform of 1852, which also reaffirmed the doctrine of the Kentucky and Virginia Resolutions



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of 1798 and 1799, and favored the enforcement of the fugitive slave law. Upon this platform Franklin Pierce was elected, though there was strong opposition from the Whig and Free Soil parties. In pursuing its principles, the Democratic party, in 1854, organized Kansas and Nebraska into territories with no provisions excluding slavery, it being left open to the territories to determine whether or not they would have slavery. The squatter sovereignty principle had prevailed in Congress. The Senate vote was 37 to 14, all Southern Senators approving. The House vote stood 113 to 100; voting for the measure were 44 Democrats of the North, one-half of the Democratic delegation from that section, and nearly the whole Southern vote, as only 9 Southern members voted against the bill.

Two years later came the presidential election of 1856, the Democrats nominating Buchanan and the Republicans Fremont, the Republican party having been formed out of the old Free Soil party as the result of the Kansas-Nebraska bill. The remnant of the Whig party nominated Fillmore. The Democratic platform reaffirmed the platform of 1852 and endorsed the Kansas-Nebraska bill, while the Republican party declared for the exclusion of slavery from the territories. Every Northern state voted for Fremont except Pennsylvania, New Jersey, Indiana and Illinois.

Power of the Supreme Court.

For the first ten years of the Federal government the Supreme Court was not considered the judge of the constitutionality of state or Federal law, hence the importance of the Kentucky and Virginia Resolutions. With the appointment of Marshall as Chief Justice of the United States, a new era was inaugurated. For more than thirty years Marshall,

at the head of the court, sustained by Mr. Justice Story, rendered decisions which tended to give to the court the right to declare on the constitutionality of Federal and state laws. Jefferson attacked the judiciary and caused the law which established Federal circuit courts to be repealed. In the case of Marbury *vs.* Madison, Marshall maintained the dignity of the court in opposition to the executive. Under Jefferson's influence, impeachment proceedings were begun against Justice Chase and against Pickering, a district judge in New Hampshire. The latter was removed from office. In commenting on this action, Justice Chase said: "The independence of the national judiciary is already shaken to its foundations, and the virtue of the people alone can restore it. Our Republican constitution will sink into a mobocracy, the worst of all possible governments." But on the failure to impeach Chase, the dignity of the court was sustained, and Jeffersonian Democrats saw that the only way to control the Supreme Court was to fill vacancies with men of their way of thinking. But with Marshall and Story on the bench it was difficult to control the court, and for a number of years the court rendered decisions which strengthened its powers and those of the Federal government. In 1809 the Supreme Court decided in favor of Judge Peters, of the Pennsylvania district court, in a struggle for authority against the governor and legislature of that state who refused with violence the writs of the United States district courts. Later, in the cases of Martin *vs.* Hunter's lessee and of Cohens *vs.* Virginia, the court decided that it had a right to take cases on appeal from the state courts and thus to make itself the final tribunal in constitutional questions. In the case of McCulloch *vs.* Maryland and Osborne and others *vs.* the Bank of the United

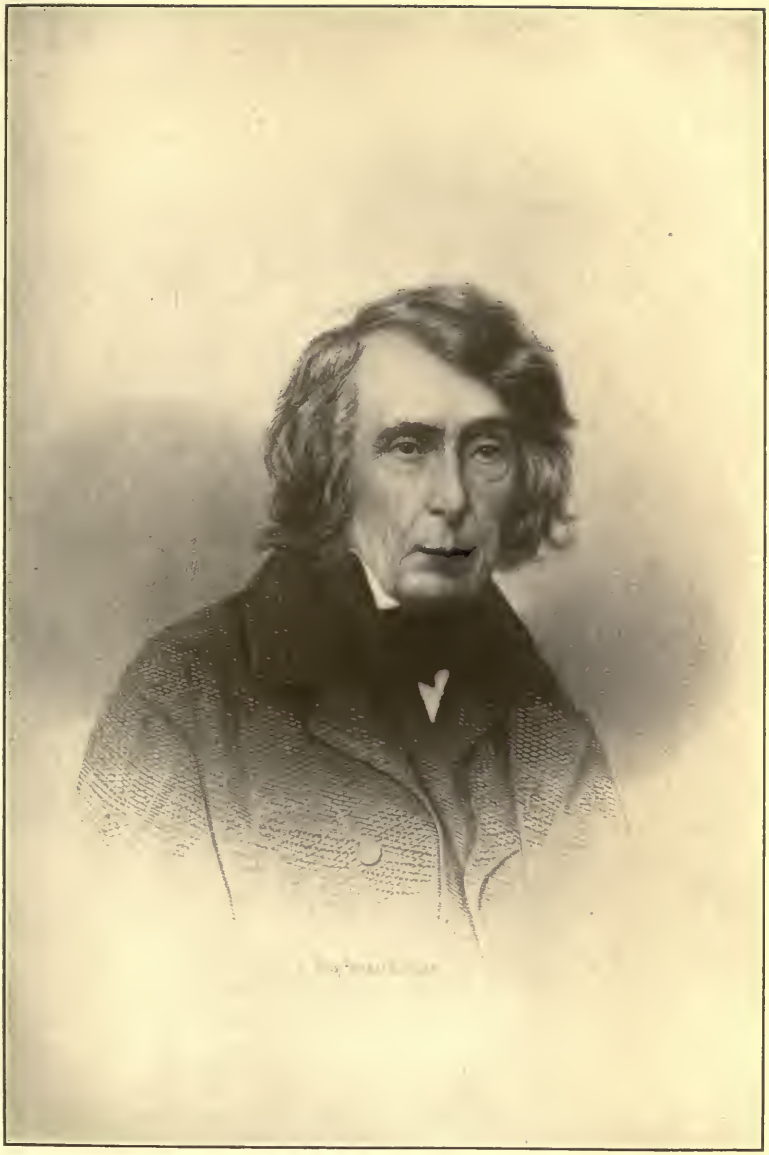
States, the doctrine of implied powers was clearly maintained. Marshall said: "Let the end be within the scope of the constitution and all means which are plainly adapted to that end which are not prohibited, but consistent with the letter and spirit of the constitution are constitutional." Marshall also laid down principles controlling the states, when in a decision relating to the grants of land by the Georgia legislature he claimed that no subsequent legislature could repeal the grants, as it would be a violation of the obligation of contracts, prohibited by the constitution of the United States. The same decision was practically rendered in the celebrated case of Dartmouth College *vs.* Woodward, declaring that the legislature could not even modify a charter unless the parties affected gave their consent. The ultimate outcome then of Marshall's decisions was to diminish the power and prestige of the state governments as compared with the Federal government. It was a great day for this country, in the eyes of some Democratic leaders, when John Marshall died, for his successor, who also presided for some thirty years over the court, was Roger B. Taney, of Maryland, a strict constructionist. It was into the court presided over by Taney that the case of Dred Scott, a negro who had been carried as a slave into free territory, was brought. The negro tried to obtain his liberty by an appeal to the courts on the ground that his residence in the free state had operated to destroy his master's rights. The case on appeal was brought to the Supreme Court. The important question before the court was: "Is Dred Scott a citizen within the meaning of the constitution? Has he any rightful standing in the lower courts?" The court decided in the negative, that not being a citizen of Missouri he had no right to sue in state courts. Here a majority of the court was

not satisfied to rest the case, but declared that as property, slaves could be carried into any territory and that Congress could not restrict or legislate this form of property out of the territories. In other words, the court declared the Missouri Compromise unconstitutional; moreover, it declared squatter sovereignty unconstitutional because it allowed a territorial government to exclude slavery, it only being within the province of a state to exclude or abolish slavery.

Secession Legal Under the Interpretation of the Constitution as a Compact.

The acceptance of this Southern doctrine of strict construction made the Republican party. In 1860 Lincoln was elected on a platform which declared that slavery should be excluded from the territories, and that the Dred Scott decision was a political heresy. Wonderful are the inconsistencies of politics, for from 1789 to 1835 it was the South which opposed the Supreme Court, while in the days immediately before the war it was the North against the Supreme Court; and to-day it is the Democratic party which is resisting the extension of the powers of the Supreme Court. Only a few years ago a Democratic platform contained a clause aimed at the power of the Supreme Court on account of its decisions on the income tax.

On the strength of the election of a candidate pledged to exclude slavery from the territories, the Southern states began to withdraw from the Union, headed by South Carolina in December, 1860. The form of the ordinance by which South Carolina seceded was simply that the people in convention assembled withdrew the ratifications which the people in convention had made of the constitution of the United States in 1788. This action is easily



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defended when we recall that the Southern interpretation of the constitution was that the people of each state separately was sovereign. On this interpretation, the belief that a state had a right to withdraw from this compact was consistent. Such had undoubtedly been the belief of Virginia and Rhode Island, when, in ratifying the constitution, they reserved this right; such the belief of the statesmen who framed the constitution; such the belief which had existed at times in all parts of the country, North and South; such the belief of John Taylor, of Virginia, when he proposed, in 1797, that Virginia and North Carolina should secede; of Josiah Quincy, of Massachusetts, when he said on the admission of Louisiana that the Union ought to be dissolved; of the Hartford Convention when it threatened secession because New England's commerce was being crippled by the second war with England; of William Lloyd Garrison, when amidst great applause at the time of the Mexican War, he proposed that Massachusetts should lead in a secession movement; and of John Quincy Adams, when at the time of the admission of Texas he had declared in Congress that New England ought to secede; such the belief proclaimed from time to time by both Northern and Southern leaders in the halls of Congress. This doctrine, however, had been denied by such men as Story, Webster and, indirectly, though not directly, by Marshall's decisions. The South was, therefore, asserting an old principle which their fathers had believed in, but which as the country grew was denied, particularly by the new states admitted from the North. In fact, it was the great Northwest Territory (Virginia's gift to the Union) which became the bulwark of the national ideas, claiming that the country was a nation and that it

could not be dissolved by a peaceable withdrawal of states from the Union.

Granting the legal right of secession, the question is frequently asked was the exercise of that constitutional right expedient? On this point the South was somewhat divided; while a vast majority believed in the right of secession, in some states only a narrow majority believed that it was expedient. Though South Carolina passed its ordinance of secession unanimously, states like Georgia, Virginia and North Carolina were greatly divided in sentiment. Alexander H. Stephens, of Georgia, Graham and Vance, of North Carolina, and Henry A. Wise, of Virginia, at first opposed the movement. Robert E. Lee regretted to see Virginia leave the United States. Hundreds of prominent men could be mentioned who opposed secession on the ground of inexpediency. Many, however, who were opponents of secession, became strong advocates of the Confederacy. Their positions are very clear, for though doubting the expediency of secession, but believing that sovereignty lay with the people of the states separately, it was their duty to yield to the will of the sovereign power. Therefore, the action of Southern statesmen is explained by their view of the nature of the constitution, sovereignty being in the people of each individual state, not in the people of the United States as a whole. Because of this view of sovereignty Southerners who fought for the Confederacy are not to be branded as rebels or traitors, for they were obeying the will of their sovereigns.

The Position of the South To-day as to the Interpretation of the Constitution.

In the election of Lincoln, the Republican party had attacked the Supreme Court. The fact that the

court was not acknowledged as supreme in settling constitutional matters, as well as the intensity of the situation, made impossible an appeal of the question of secession to the Supreme Court. Since the North, as a whole, refused to recognize secession, war only could settle the question, and by war secession, as a constitutional right, has been destroyed. Moreover, the supremacy of the Supreme Court in deciding constitutional matters has since been established. In the case of Texas *vs.* White, the court held that the Union was indestructible, but at the same time it has not ignored other great states'-rights questions, especially is this seen in the Slaughter House cases. But no longer does a state government or a state court claim the right to act finally upon a constitutional question. The constitutionality of a law is not fixed by its passage through Congress, as is the case in England where whatever passes Parliament is constitutional. Congress can pass an unconstitutional law just as much so as any state legislature. English jurists may speak of Parliament as omnipotent, but of Congress we can not say as much, since the Supreme Court may declare null and void any law that infringes the powers granted or reserved to the states, or to the Congress of the United States.

The South to-day occupies its old position of asking a strict construction of the constitution, but no longer does it claim that the states have the final voice in determining whether any particular act or action is constitutional as claimed in the Virginia and Kentucky Resolutions, but it acknowledges the Supreme Court as the final arbiter in constitutional matters. It, however, looks askance at the Supreme Court and the loose construction doctrines, which may be proclaimed by the Supreme Court now as of old. To-day the Federal courts frequently render

decisions based upon the implied powers of the constitution and the first section of the Fourteenth Amendment, not satisfactory to Southern statesmen. We have but to consider the decisions in the North Carolina railroad cases to see that the Federal courts are dealing with many matters which previously have been handled and dealt with entirely by the state courts. As yet, Federal courts have refused to exercise jurisdiction over cases arising under the suffrage provisions of the constitutions of Southern states, but it is impossible to tell at what time some case may be brought into a Federal court which will strike even more deeply at the institutional life of our states than ever before. The question of annexation of territory has been settled along loose construction lines; the decisions of the Supreme Court with reference to slavery were wiped out by the War of Secession; and the national bank stands under a loose construction interpretation. The only great unsettled matter that presents itself to the country at large to-day is the control of corporations of a commercial nature, which makes the question one of interstate relations. Upon this great question the Federal courts will finally have to declare themselves fully. From recent indications in the railroad cases of Virginia, it appears that the loose construction view will again be held by the Supreme Court, and its present ruling that an inferior court of the United States can issue an injunction against the Virginia corporation commission, which is in a sense a state court, is very humiliating to those who believe in the states'-rights doctrine. Under the 3d clause, 8th section of Article I. of the constitution, Congress has the right to control inter-state commerce, but if the Federal courts should construe this clause broadly so as to interfere with inter-state commerce, the same old prob-

lem of states' rights will again become a more important issue.

In conclusion, it seems that history shows that while there have been inconsistencies on the part of the South in the interpretation of the constitution, generally speaking, her statesmen have been consistent in holding that Congress is strictly limited to the powers specifically granted to it by the constitution and that all other powers are reserved to the states themselves. The War of Secession has made a nation out of a Federal government, but there is still the question of states' rights, just as live in its importance to the country as it ever was in ante-bellum days. The question is still debatable; "To what extent can Congress legislate and to what extent can its legislation restrict the state legislatures in purely state matters?" The South is undoubtedly in the forefront in arguing that the state governments are the bulwarks of American liberty and that there is a line of demarcation between Congressional and state powers beyond which Congress cannot go. Thus to-day while the old South with the old view of states' rights is dead, the new South with a new view of states' rights lives to protect and defend the constitution and to maintain the rights of the people. Therefore, in one sense the South is playing as important a part in the interpretation of the constitution now as it ever did in the past. Indeed, it may be said that its constant demand that states' rights shall not be ignored has more force to-day than it ever had before, because no one now doubts the sincerity of the Southern people, for slavery, the great curse of their civilization, has been removed by the greatest interstate war that the world has ever witnessed.

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CHAPTER X.

THE PRINCIPLE OF SECESSION HISTORICALLY TRACED.

The Origin of the Political Theory of Secession.

THE political theory on which the Southern states in 1860 and 1861 based their right to withdraw from the Union was not the sudden creation of any one man, or of any one group of men. Like other ideas that have played a prominent part in history, it was a gradual evolution from earlier and less elaborate conceptions. Its history runs back to colonial days, and its origin may be traced in the desire for independent action which led the early settlers into the wilderness. This was the guiding impulse in their long struggle against external control. Sometimes this struggle was against political control, sometimes against religious, sometimes against commercial. Usually it was directed against what might roughly be called the central government of their day—parliament and the king; and when other measures failed, it finally took the form of definite separation and independence. Occasionally the struggle was local, growing out of discontent with the government of some particular col-

ony, and resulting either in open resistance, as in the case of Bacon's rebellion, or in the more or less peaceful withdrawal of a portion of the inhabitants and the founding of new and separately organized communities, as in the case of Connecticut and Rhode Island. On other occasions the dissatisfaction in the older colonies was largely economic and the withdrawal took the form of that western movement in search of better opportunities which laid the foundation of future states across the Alleghany Mountains.

The theory on which these struggles were based lay vague and shapeless in the colonial mind for many years. In fact it took more precise form only as occasion after occasion demanded greater definiteness. The Stamp Act, for example, brought forth from all parts of the country the clear-cut statement that as Englishmen the colonists would not be taxed by others. The succeeding acts of the English government brought out more and more clearly the statement that they demanded in the largest possible sense as their English heritage the general right of making and administering their own laws. When finally this struggle took the form of withdrawal from England and reorganization, their theory took its definite shape from the political philosophy of the time, which rested on the doctrine of the natural rights of man, and found its most perfect expression in the Declaration of Independence, and especially in the statement that when a government becomes oppressive "it is the right of the people to alter or abolish it, and to institute a new government."

The Right of Revolution.

Obviously this theory was concerned largely with the rights of the individual, and the final remedy for misgovernment was found in revolution. Nor was

this attitude of mind confined to colonial days. It was the thought, misapplied perhaps, but none the less real, that animated Shay's rebellion in Massachusetts, and the attempt to establish the separate state of Franklin in the western part of North Carolina—both during the critical period immediately after the Revolution. It was the philosophy of the western Pennsylvanians who, during Washington's administration, resisted the internal revenue tax, because they regarded it as oppressive.

This philosophy had at least the virtue of simplicity, and perhaps for that reason long continued to find advocates among those who deemed themselves oppressed by the government. But gradually there grew up side by side with it a modified form of the theory, which concerned not the individual, but the state in relation to the larger political body of which it might be a part, and found in secession its final remedy when that relation became unbearable. It came into existence when the colonies began to combine in the face of common dangers. At first it was little more than the theory of revolution applied to a union of colonies. Thus the earliest, and in some respects the most important, of these unions was the New England Confederation, roughly speaking a century before the Revolution. It professed to be a perpetual union, yet it was no uncommon thing for the delegates of one of its members to threaten to secede. The Albany plan of union, which was proposed in 1754, was to be ratified by parliament as well as by the separate colonies. Yet Franklin, its chief advocate, dreaded the danger of secession and said "as any colony, on the least dissatisfaction, might repent of its own act, and thereby withdraw itself from the Union, it would not be a stable one, or such as could be depended on."

Under the Articles of Confederation the threats

of secession were loud and deep; but the theory continued to be little more than the doctrine of the right of revolution. When Congress seemed on the point of permitting Spain to close the Mississippi for twenty-five years in return for certain commercial concessions, Kentucky, which was at that time only a part of Virginia, threatened to withdraw from the Union if the river were closed, while on the other hand threats were made that the group of New England states would do so if their commercial advantages were sacrificed to save the river. Neither side in such controversies seemed to think it necessary to give any legal explanation of its right to withdraw from the Union, which was commonly supposed to be a perpetual one.

Even the adoption of the constitution seemed at first to make little difference. Twenty-five years of disintegration partly under English mismanagement and partly under the weak control of the confederation, had thoroughly discredited all national government; and it took time for the truth to get abroad that secession was now a more serious matter. Even Hamilton was uneasy, and during the debate over the assumption of the state debts in the first congress spoke to Jefferson of the danger of a "separation of the states." Federalists in New England spoke of secession when it seemed possible that Jay's treaty might not be confirmed, and in 1796 Lieutenant-Governor Wolcott of Connecticut, referring to the possibility of the election of Jefferson to the presidency, said, "I sincerely declare that I wish the Northern states would separate from the Southern the moment that event shall take place." On the other hand when the Federalists seemed to be tightening their hold on the government, a Republican, John Taylor, of Virginia, wrote to Jefferson suggesting the withdrawal of Virginia and North Carolina.

Jefferson opposed the suggestion, but his reply discussed the matter purely as a question of policy. "If," he writes, "on a temporary superiority of the one party, the other is to resort to a scission of the Union, no Federal government can ever exist."

The Kentucky Resolutions.

In all these cases secession seems to have been thought of as a matter of practical wisdom or unwisdom, and the theory received little attention. Yet in six months from the time when he wrote to Taylor the letter referred to above, Jefferson was formulating the Kentucky Resolutions, which set forth more elaborately a doctrine of state rights that was frequently referred to in after years as furnishing a legal basis for nullification and secession. But famous as they are, they, like the Declaration of Independence, owe their reputation more to their author's wonderful gift of expression than to what was new in their thought or philosophy. They set forth the theory that the government was founded on a compact between the states, by which certain specified powers were delegated to the central government, and all others were reserved to the states, that "the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion and not the constitution the measure of its powers, but that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress."

In the first part of this theory there was nothing new. Right or wrong, the idea that the government was formed by a compact between the states was perfectly familiar to those who had taken part in the

constitutional convention or had followed the debates that preceded its ratification. The question as to what powers had been delegated to the new government had been thoroughly discussed in Congress and out of it. The question as to who should judge of infractions and of the mode and measure of redress had not attracted so much attention. Madison had written in the *Federalist,* "It is true that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the general government." But he did not seem to think that this was the only and ultimate remedy, for in a later number of the *Federalist* he says, that in cases of encroachment by the central government "there would be signals of general alarm. Every government would espouse the common cause. A correspondence would be opened. Plans of resistance would be concerted. One spirit would animate and conduct the whole. The same combinations, in short, would result from an apprehension of the Federal, as was produced by the dread of a foreign yoke; and unless the projected innovations should be voluntarily renounced, the same appeal to a trial of force would be made in the one case as was made in the other." This was the ultimate right of revolution, yet it was in the last analysis what was referred to by Jefferson's statement that each had "a right to judge for itself as well of the infractions as of the mode and measure of redress," which was after all the old doctrine of natural rights of individuals, under a government established by compact, now applied to states under a general government, likewise established by compact. Nor was this comparison a new one. It had been often made, as for example by Wilson in the Pennsylvania convention, when he said, "When a single government is instituted, the individuals of which it is

composed surrender to it a part of their natural independence, which they enjoyed before as men. When a confederate republic is instituted, the communities in which it is composed surrender to it a part of their political independence which they formerly enjoyed as states." Jefferson believed that the Federalists, who were in possession of the government, were planning to override the constitution and establish a despotism over the states, and in these resolutions he claimed for them the same right to resist that he had in the great declaration asserted for individuals under oppression. In each case he regarded it as a "natural" right.

It is needless to call attention to the fact that Jefferson did not propose to push this doctrine at once to a final test. His purpose was to affirm important principles "and leave the matter in such a train as that we may not be committed to push matters to extremities, and yet may be free to push as far as events will render prudent."

The Federalists and Secession.

The resolutions called forth a heated discussion. The Federalists generally denounced them and insisted that differences arising between a state and the National government should be settled by the national courts. Yet within a few years serious threats of secession were made by leaders of that party. For reasons which it is not necessary to review they opposed the annexation of Louisiana. They now became strict constructionists of the constitution, and denied the right to buy Louisiana, or to admit any part of it as a state without the consent of the original thirteen. "Suppose," said they, "in private life, thirteen men form a partnership, and ten of them undertake to admit a new partner without the concurrence of the other three, would it not

be their option to abandon the partnership after so palpable an infringement on their rights? How much more so in the political partnership!" The legislature of Massachusetts in 1804 resolved that the annexation "formed a new confederacy, to which the states united by the former compact are not bound to adhere." When in 1811 the admission of the state of Louisiana was under discussion, Quincy said, "If this bill passes, it is my deliberate judgment that it is virtually a dissolution of the Union; that it will free the states from their moral obligations; and, as it will be the right of all, so it will be the duty of some, definitely to prepare for a separation—amicably if they can, violently if they must."

This idea was certainly as old as the days of the confederation, for Madison said, in the constitutional convention, referring to the confederation, that "a breach of any one article by one party, leaves all other parties at liberty to consider the whole convention as dissolved."

The Federalists of New England, who distrusted the Republican leaders and suspected them of straining the constitution in order to perpetuate their hold on the government, found in the War of 1812 new occasions for discontent. In 1809 they had pronounced the embargo unconstitutional, and threats of separation had been heard. This action was repeated when it was again imposed during the war. The action of the government in regard to the state militia raised a similar protest. So strong was the opposition developed that Joseph Story wrote at the beginning of the war, "I am thoroughly convinced that the leading Federalists meditate a severance of the union, and that if public opinion can be brought to support them they will hazard a public avowal of it." Toward its close Pickering, one of the leaders of the discontents, said, "I have even gone so far as

to say that the separation of the Northern section of the states would be ultimately advantageous."

The Hartford Convention.

Under such circumstances it is not surprising to find the Hartford convention adopting the philosophy of the Kentucky and the Virginia Resolutions, and stating, "that acts of congress in violation of the constitution are absolutely void," and that "in cases of deliberate, dangerous, and palpable infractions of the constitution, affecting the sovereignty of a state, and the liberties of the people, it is not only the right, but the duty of such a state to interpose its authority for their protection, in the manner best calculated to secure that end." The most interesting statement of all is perhaps this: "When emergencies occur which are either beyond the reach of the judicial tribunals, or too pressing to admit of the delay incident to their forms, states which have no common umpire must be their own judges, and execute their own decisions"—a doctrine that comes very close to that part of the Kentucky Resolutions which had been most severely condemned by the Federalists.

How far they intended to push these theories in practice is now hard to determine, as the war ended almost immediately and the coming of peace removed many of their grievances. The report of the convention said, "A severance of the Union by one or more states against the will of the rest, and especially in a time of war, can be justified only by absolute necessity." But it also spoke of the necessity of "direct and open resistance" when abuses go too far.

The Federal Judiciary.

In dealing with the theories of this period it is necessary to remember that the extent of the jurisdiction of the Federal judiciary was still a subject of

great doubt. It had at first occupied a position of no great dignity or influence, and had seemed anxious to avoid being drawn into politics. Not until after the war of 1812 did the influence of Marshall make itself fully felt in the series of decisions which did more, perhaps, than any other thing to win for it popular recognition as the final judge of the constitutionality of all laws and acts.

This increase in the power of the judiciary, which Jefferson described as "like gravity, ever acting*** gaining ground step by step, and holding what it gains," was not made without vigorous opposition. New York, Virginia, Ohio, and other states were through important decisions forced to recognize its growing power. Yet none of these contests brought out any new theories of secession. Even Georgia, which carried its resistance farthest, did little more than deny the right of the Federal courts to decide a dispute between a state and the Federal government —a position which, with the support of President Jackson, it forcibly maintained.

Calhoun and State Rights.

But with the passage of the tariff bills of 1828 and 1832 the growing tendency on the part of the National government toward a loose construction of the constitution aroused an opposition in the Southern states that seriously threatened forcible resistance and possible secession. This opposition was strongest in South Carolina, and called forth in that state an exposition of the theory of state rights, nullification, and secession which is usually associated with the name of Calhoun because of the great clearness and ability with which he stated it. Yet in its main features it closely resembled the doctrine of the Kentucky and the Virginia Resolutions. Indeed, its advocates insisted, perhaps unduly, on this resemblance.

Like them, it maintained that the Federal government was created by a compact between the states, which delegated certain specified powers to the general government and reserved all other powers to the states, that the Federal courts were not the final arbiter as to whether the Federal government assumed powers not given it, but that each state had the right to judge of the infraction and of the mode of redress. In these points they agree, but the philosophy that sustains the argument somewhat differs. In the phrases of Jefferson and between the lines one detects the philosophy of Locke and of the rights of man. With him all government originates in compact and the rights of the states in the government which they formed are the same as the rights of individuals in any government—the right to resist oppression. Calhoun expressly disbelieved in the dogma that all governments arose out of a state of nature by compact between individuals. With him the rights of the states grew out of the fact, which he took great pains to establish, that the constitution establishing the Federal government was adopted by states which were at that time sovereign and which remained sovereign. Jefferson seems to have thought, as did Madison and others, that on entering the Union each state surrendered a part of its sovereignty, and that thereafter the Federal government and the several states were each sovereign in its own domain. Calhoun maintained, as others had done before him, that sovereignty was indivisible and that, although the states delegated to the Federal government the right to exercise certain powers, yet each reserved its sovereignty entire and had the right of a sovereign state to resist the attempt of any one to exercise over it powers that it had not granted, and that in case such an attempt were made by the Federal government, each state had the right,

in virtue of its undiminished sovereignty, to nullify the act, to resist its enforcement, and even to repeal its ratification of the compact and withdraw from the Union. The idea that the Federal judiciary was the proper arbiter in disputes as to what powers had been delegated he rejects on the same ground that Jefferson had given—that this would make a part of the Federal government the judge of a dispute to which it was a party. And he further added that the increase of authority which the Supreme Court of the United States had in recent years assumed was unconstitutional, as it was not intended to decide such matters.

The idea that the states were sovereign did not originate with Calhoun. He merely elaborated it more fully, and perhaps more skillfully, than anyone else had done. As far back as 1803 Tucker, of Virginia, in an edition of Blackstone, had said, in explaining the relation of the states to the Federal government, "Each is still a perfect state, still sovereign, still independent, and still capable, should occasion require, to resume the exercise of its functions, as such, to the most unlimited extent." Moreover, it is probable that Patterson, of New Jersey, voiced the opinion of most of the delegates to the constitutional convention when he said, "We are met here as the deputies of thirteen independent states, for Federal purposes." Nor can there be any reasonable doubt that at the time of the adoption of the constitution most people thought of it as adopted by the states separately, or, as the more precise among them even then expressed it, by the people of the several states. This idea was admirably put by Madison in the Virginia convention, when he said, "Who are parties to it? The people—but not the people as composing one great body; but the people as composing thirteen sovereignties."

But no one else analyzed so keenly as did Calhoun the effect of this ratification on the sovereignty of the states. No one else insisted so clearly on the absurdity of the idea which had been common with many earlier writers, that the delegation of certain powers by a state to the central government meant the giving up of a part of its sovereignty.

The Divergence of the North and the South.

Many other incidents called forth threats of secession both in the North and in the South, as, for example, the Missouri Compromise, the abolition movement, the annexation of Texas, the question of slavery in the lands acquired by the war with Mexico, the struggle for Kansas, the John Brown raid, the election of Lincoln, and finally the use of force against the seceding states. But none of these, with the possible exception of the last, brought out any new development in the theories already elaborated. To the historian the most significant fact observed in studying them is the drifting apart of the two sections in their theory as to the nature of the government. Roughly speaking, during the thirty years immediately preceding the war the belief in state sovereignty became more and more general in the South, so that when secession finally came, while many Southerners questioned openly its practical wisdom, few doubted its legality. On the other hand, in the North the feeling of nationality grew stronger and stronger, until, when secession came, Horace Greeley's statement that "the right to secede may be a revolutionary one, but it exists nevertheless," found scarcely any support in public opinion.

Many reasons have been assigned for this divergence. Two causes for the drift of opinion in the North suggest themselves at once: the development in the Northwest of vigorous new states which had

no independent existence before they became members of the Union, and the increasing number of immigrants in whose minds there were no strong associations or traditions connected with any state. In addition to these might be mentioned the fact that economic development in the North had known no state lines, and growing prosperity had given birth to a sense of national pride and national enthusiasm. In the South these influences had been less felt, there had been little reason for any increase in national feeling, and political theories had, with social and economic conditions, suffered little change. Moreover, when the South saw what it believed to be its rights seriously threatened by the other sections through the National government, it searched more eagerly for whatever legal defence might fairly be found against Federal aggression.

So general did the belief in state sovereignty become throughout the South that the chief question in regard to secession in 1860 and 1861 was, not whether it was a legal right, but whether the acts of the Northern states and the election of Lincoln justified it as a matter of general fairness and good faith toward the other states and as a matter of practical wisdom. In this sense its justification was found in the failure of the Northern states to keep the compact and in the aggressively anti-slavery attitude of the Republican party.

The determination of the National government to use force against the seceding states gave rise to the last phase of the doctrine of secession. The doctrine that a state had the right to secede implied of course that no one had a legal right to use force to prevent it. But some who doubted the right of secession believed, with Buchanan, that there was no authority given by the constitution for the use of force against a state. Others, like Lincoln, held strongly to the

national view of our government and believed it a right and a duty to put down what they considered rebellion. Under these circumstances war was inevitable.

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PART V.

THE SOUTH IN THE CONFEDERACY, 1861-1865.

Chapter I.

THE CONSTITUTION AND GOVERNMENT OF THE CONFEDERACY.

THROUGHOUT the troubled period immediately preceding the actual secession of the Southern states the political leaders had constantly affirmed that they were attached to the Constitution of the Union; they protested against the interpretation of certain articles of the constitution by the North, not against the constitution itself. There was not, even among rabid secessionists, such denunciation of the constitution as had been indulged in by extreme Abolitionists. And, indeed, the effect upon our minds of Davis's *Rise and Fall of the Confederacy,* is to establish what historical students are now beginning to recognize as substantially true, the fact that the South was really more conservative than the North.

Differences between Federal and Confederate Constitutions.

It is, therefore, not to be wondered at that the Provisional Constitution of the Confederate states, adopted by a convention of six states at Montgomery, Feb. 8, 1861, should reproduce almost without change the constitution of the United States. The

course of events leading to the existing crisis had made it clear that there were certain provisions of the Federal instrument of more than doubtful meaning, interpreted in one way by the South and in another way by the North. Upon these provisions the South was now resolved to impress the meaning contended for. In certain other minor points, not directly matter of controversy, it was thought that practical operation of the Federal constitution might be improved by a few changes. But the temper of the convention at Montgomery was in nowise revolutionary; its members did not conceive that they were undertaking an experiment in government; they were providing, in the main, for a just government under the same form with which they and their fathers before them had been content.

Our examination of the Confederate constitution, therefore, may be limited to the significant differences from the Federal constitution. And since the provisional constitution of Feb. 8, 1861, was replaced by the constitution of March 11, 1861, we may base our observations upon the latter.

In substance, the South had protested against the tendency to centralization then manifesting itself in the practical working of the Federal constitution. This protest centred about certain specific points, of which the status of slavery was but one, albeit the most immediately important. It will simplify matters if we attempt to group the controverted points, not with regard to the articles of the constitution affected, but with regard to the bearing of recent history. We shall consider changes in the constitution affecting the following matters:

(1) The status of slavery.

(2) The acquisition of new territory.

(3) The relation of the states to the Federal government: State rights.

(4) The control of the Federal government over foreign commerce and internal improvements.

(5) The powers of the executive, legislative, and judiciary in the Federal government.

With this tentative grouping in mind, it will be easier to make clear the purpose of the more important changes made in the Federal constitution. Upon minor changes we may comment in connection with the articles involved.

Status of Slavery.

(1) The existence of slavery was merely implied in the Federal constitution, though the implication was undeniable. But there had been left room to doubt the nature and extent of Federal control, through Congress, over slavery. A few distinct phrases in the new instrument of government were quite sufficient to make it clear that slavery was protected by the constitution, as the South had believed that it was intended to be protected in the Constitution of the United States. The euphemistic phraseology of Art. I., Sec. 9, becomes, in the Confederate document: "The importation of negroes of the African race, from any foreign country, other than the slave-holding states and territories of the United States of America, is hereby forbidden, and Congress is required to pass such laws as shall effectually prevent the same. Congress shall also have power to prohibit the introduction of slaves from any state not a member of, or territory not belonging to this Confederacy." In the same section, third paragraph: "No bill of attainder, *ex post facto law,* or law denying or impairing the right of property in negro slaves shall be passed." Art. IV., Sec. 2, Par. 1, reads: "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states, and shall have the

right of transit and sojourn in any state of this Confederacy, with their slaves and other property; and the right of property in said slaves shall not be thereby impaired." In the third paragraph of the same section: "No slave or other person held to service or labor in any state or territory of the Confederate states, under the laws thereof, escaping or lawfully carried into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such slave belongs, or to whom such service or labor may be due."

It will be seen that the first of these changes places the slave trade, domestic or foreign, in the control of Congress; in so doing, however, the Confederate constitution is scarcely going beyond what was intended by the constitution of the Union, though the language used is more specific. But while the power of Congress is thus recognized, the next change made as distinctly limits the power of Congress in regard to the abolition of slavery; this could be accomplished only through a constitutional amendment. It is perhaps not out of place to remind those who denied that slavery was recognized by the Constitution of the United States and that it was beyond the control of Congress, that here, too, legal emancipation could be wrought only by an amendment. The third and the fourth of the changes noted are direct offspring of the controversy over Dred Scott, and of the numerous evasions by Northern states of the Fugitive Slave law. Even these new articles are scarcely new in principle; for until the rise of strong abolition in the Northern states, the rights here set forth had been unquestioned, under Section 2 of Article IV., in the Federal constitution.

On the whole, therefore, if viewed without prejudice, the provisions for the safeguarding of slave property are merely more explicit, not more far reaching, than those believed to exist in the old constitution and silently accepted as existing until the beginning of the controversy over slavery.

Acquisition of New Territory.

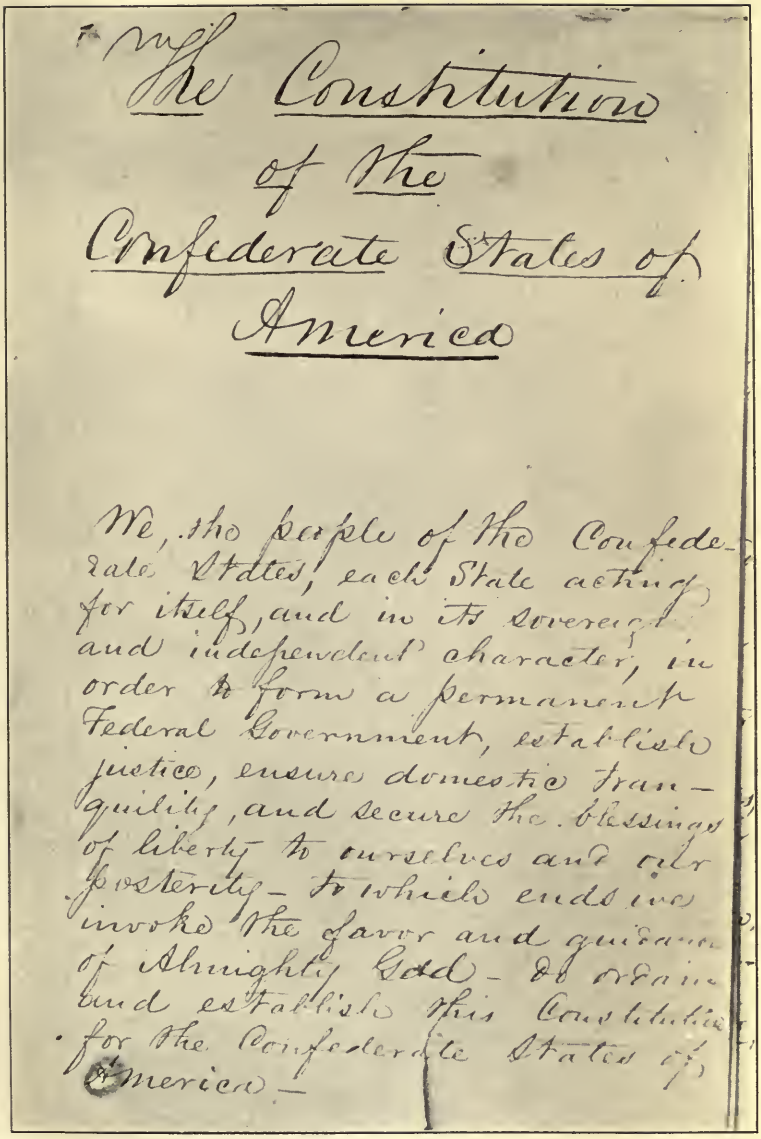
(2) The Constitution of the United States contained no direct authorization to acquire new territory; and it will be remembered that Jefferson desired an amendment to legalize the Louisiana purchase, while certain persistent Federalists from New England later denied the right of Louisiana to admission. Opposition to slavery, however, was not the motive of Jefferson's doubts or of Quincy's threat of secession. But as soon as the Missouri Compromise made it clear that the greater part of the Louisiana purchase might go to form free states, while at the same time the conscience of the North was beginning to be aroused over slavery, the South began to desire expansion—the annexation of Texas, the conquest of Mexico, the peaceful or forcible annexation of Cuba. We lacked that magical phrase, "manifest destiny," to justify this expansion; still, in spite of a reluctant North, a part of the manifest destiny was attained in Texas and in Mexico. Now the Confederate constitution incorporated in Art. IV., Sect. 3 a new paragraph (which we need not quote in full), providing distinctly for the power to acquire territory, for which laws might be made by Congress, in which slavery should be recognized by Congress and by the territorial legislature, and into which inhabitants of the states should have the right to take slaves lawfully held by them. The memory of the bitter struggle over Kansas was still fresh; and the troublesome question

of the status of slaves in a territory is definitely answered.

States Rights.

(3) Whatever may have been the meaning of the preamble of the old constitution, "We, the people of the United States," it should be clear to us now that the growth of a strong national spirit had seemed to the North to justify the practical interpretation of these words as establishing a national government paramount to the state governments. It was admitted that many important functions were left to the states; but the Federal government, within its sphere, was supreme and the Union indestructible. In the South, on the other hand, there had been little or no growth of national sentiment, rather a growth of the devotion to the state government which was adapted to local needs and which sheltered the local institution of slavery. The preamble of the Confederate constitution set at rest the vexed question of state or national supremacy, declaring for the independent sovereignty of the several states, which merely formed a compact delegating certain powers to the central government: "We the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government," etc. And in the first section of Art. I. we find (as elsewhere) the word "granted" replaced by "delegated."

These changes, though slight in form, are significant. They establish beyond cavil that essential sovereignty of the states for which the secessionists contended. Though the "right" of secession is, of course, not mentioned, it would follow as a logical consequence that the sovereign state that had, as a state, joined the Confederacy, might also, as a state, withdraw from the compact. In view of the course of history, it is idle to speculate upon whether



The Constitution
of the
Confederate States of
America

We, the people of the Confederate States, each State acting for itself, and in its sovereign and independent character, in order to form a permanent Federal Government, establish justice, ensure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity — to which ends we invoke the favor and guidance of Almighty God — do ordain and establish this Constitution for the Confederate States of America —

ORIGINAL DRAFT OF THE CONSTITUTION AS REPORTED TO CONFEDERATE CONGRESS FOR ADOPTION.

the Confederacy, based upon a foundation so insecure, could have continued its existence; but one may hazard the opinion that with the Confederacy as with the Union, common interests and above all the common institution of slavery (so long as it continued to exist) would have held the states together even in this loose compact. Certain it is that, even where disaffection seemed rife, as in North Carolina under the severest strain of the war, no large minority of the people favored secession from the Confederacy; and on the whole it may be said that the states of the Confederacy held together with more strength than did the states of the old Confederation during and after the Revolution.

Federal Control over Foreign Commerce and Internal Improvements.

(4) Not many years after the development of Clay's "American system," involving a relatively high protective tariff, the South had become aware that, as an agricultural community, it needed no such tariff, and that the power to impose duties of this nature immensely increased the strength and the wealth of the central government. Moreover, the easy production of a large revenue through the tariff encouraged extravagance in the government, and led to a desire to expend the surplus revenue upon internal improvements in a way that might trench upon the jealously guarded state rights. Therefore the wording of Art. 1., Sect. 8, Par. 1, is altered, the significant alteration being in the last clause: "but no bounties shall be granted from the treasury, nor shall any duties or taxes on importations from foreign nations be laid to promote or foster any branch of industry." And in the third paragraph of the same section a change is made by adding a clause denying to Congress the right

to appropriate money "for any internal improvement intended to facilitate commerce; except for the purpose of furnishing lights, beacons, and buoys, and other aids to navigation upon the coasts, and the improvement of harbors, and the removing of obstructions in river navigation," etc. Furthermore, in Sect. 10 of Art. I, the states are given the right to lay tonnage duties on sea-going vessels for purposes of river and harbor improvement, and "when any river divides or flows through two or more states, they may enter into compacts with each other to improve the navigation thereof." The practical working of these last changes, one may surmise, would have been to hamper seriously the work of river and harbor improvement, and to leave the expensive system of levees upon the alluvial lands of the Mississippi a burden upon the states immediately affected.

Powers of Executive, Legislative and Judiciary in Federal Government.

(5) In their experience of the practical operation of the Federal government the Southerners had learned that any one of the three departments of the government might, under certain conditions, overbear the authority of the other or interfere with the rights of the states. The strength of all three, of course, contributed to the growth of the central power; but at times Congress might overbear the President, or the President, in his anxiety to succeed himself, might unduly influence Congress to unworthy ends, or the Supreme Court might defy the states. To curb the power of Congress several changes are made, of which we note three. In Article I, Sect. 9, Congress is forbidden to appropriate money from the treasury except by a vote of two-thirds of both Houses, unless it be asked for

in the estimates of heads of departments, or to pay a claim against the Confederacy that has been passed upon by a judicial tribunal, or to pay its own expenses. It is further provided that: "Every law, or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title." This device to eliminate the objectionable "omnibus bill," or bill with a "rider," is now a favorite in state constitutions. Finally, in Art. I, Sect. 7, the President is empowered to veto any particular item in a bill. In this case, the remainder of the bill might receive the President's approval and become law, while the item vetoed would be returned to Congress as in the case of other vetoes.

To guard against the President's prostituting his office in seeking support for a second term, as well as to assure the country of relief from the recurrent excitement of elections, it is provided (Art. II, Sect. 1) that the President and Vice-President shall be elected for a term of six years, and that the President shall not be re-eligible. And as a general safeguard against arbitrary measures of any Federal officer, whether representing the executive or the judiciary, a provision is introduced that might, one would think, have had far-reaching and very embarassing consequences (Art. I, Sect. 2, Par. 5): "The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment; except that any judicial or other Federal officer, resident and acting solely within the limits of any state, may be impeached by a vote of two-thirds of both branches of the legislature thereof." It is manifest that this furnishes the recalcitrant state with an effective peaceful defense against coercive measures of the Federal authority.

In addition to these more important changes which we have considered in the light of past history, there

may be observed some minor changes that are not directly the fruit of political experience under the Union. Of these we may here note but two. The President is given (Art. II, Sect. 2) the right to remove at pleasure "the principal officer in each of the executive departments, and all persons connected with the diplomatic service;" in the case of other removals, the President must report his reasons to the Senate. This amendment would sensibly strengthen the hands of the President, and would probably increase the general efficiency of the administration. In connection with it, one may recall the fact that, subsequent to the War of Secession, this very power of removal of a cabinet officer was at more than one period a serious issue. Finally, in Art. I, Sect. 6, an interesting experiment was proposed, one never actually carried out: "Congress may, by law, grant to the principal officer in each of the executive departments a seat upon the floor of either House, with the privilege of discussing any measures appertaining to his department." This clause, advocated by Alexander H. Stephens, was never operative, because Congress passed no law putting it into effect. Its intention is obviously to graft upon our system one feature of the English cabinet system; and some similar amendment to the Federal constitution has been suggested. But it is extremely doubtful if, in the form given, it would make any appreciable change in our system: the cabinet officers might sit in Congress, but, not being directly responsible to the majority in Congress as the English ministers are responsible to the majority in Parliament, it is not likely that Congress would pay much heed to their advice, though it might taste the exquisite joy of personal invective against an impotent representative of an unpopular administration.

Confederate Constitution Never Fairly Tried.

The Confederate constitution was never vouchsaved a fair trial under the ordinary conditions of peace. The greater part of the Confederacy was the scene of active military operations, when all law but martial law was of necessity suspended; and though this state of affairs did not exist at all times in all parts of the country, it is hardly reasonable to expect any frame of government designed for peace to be effective in a country contending vainly for mere existence. But it should be the task of historical students, now that the era of intense partizanship is passing away, to dispel the commonly accepted notion that the government of the Confederacy was a mere military despotism, in which, to quote the words of one historian who should have weighed his words more carefully (Alexander Johnston, *American Political History,* Vol. II, p. 324): "The sittings of congress were almost continuously secret, and its acts, generally prepared in advance by the executive, the cabinet having seats in congress, were made conformable to his known wishes, or were interpreted by him to suit his own pleasure." The limits of this article preclude any detailed examination, which would necessitate the citation of long and often tedious documents; but let us note, in connection with the quotation given above, certain facts that are easily susceptible of verification. First, the congress was by no means subservient to the administration; on the contrary, at almost all times, it was at odds with Davis and his cabinet, severely criticized them, and, indeed, often showed more energy and less judgment in factious opposition than in constructive legislation. Secondly, the cabinet officers did not have seats in congress. If they had been granted the privilege authorized by the constitution, it is highly probable, as Mr. Schwab

remarks (*Financial and Industrial History of the Confederate States,* p. 214), that they would not have enjoyed the direct contact with a body so active in criticism of their policies and acts.

It is unquestionable that the character of the Confederate Congress deteriorated in a marked degree as the war progressed. The first Congress, according to Stephens, who was certainly fair-minded, was a body of considerable ability. But in the subsequent congresses, with the exception of a few men like Duncan F. Kenner, there was less capacity. The more able and energetic Southerners were needed, and served, in other ways, especially in the army.

Those who still believe that Davis ruled with a rod of iron in a military despotism will find instructive reading in the voluminous correspondence between the President and the governors of North Carolina and Georgia (*Official Records War of the Rebellion;* see a résumé of parts of it in Schwab, *passim*). It will be found that the President is very far from overbearing state authorities, and that even the military efficiency of the Confederacy is affected by the President's unwillingness to overbear. Finally, it is somewhat significant, as Mr. Rhodes remarks (*History of United States,* Vol. V, pp. 452, 458; 470-471), that the *habeas corpus* act, the greatest safeguard of the private citizen, was suspended more often and for longer periods in the North than in the South; that it was suspended in the North at times by the mere act of the administration; and that it was not so suspended by Davis.

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CHAPTER II.

THE SOUTH IN THE WAR FOR SOUTHERN INDEPENDENCE.

The South's Right to Secede.

THE American colonists justified their declaration of independence, in 1776, by the natural right of a people to change or modify their government whenever it ceases to answer the ends for which it was established. The people of the Southern states, in 1861, had not only this plea, but the additional one of a constitutional sanction which entitled them to depart in peace. In support of the natural right of setting up their own government, as they attempted to do, they could

plead the extent of their territory greater than Great Britain, France and Germany combined, the number of their people greater than that of many independent nations, and the difference of institutions, climate and feeling from the North which rendered the Union as ill-joined an affair as the statue seen by Nebuchadnezzar in his dream. What was true of the vision was true of the Union, there was adhesion in its parts, but no incorporation, a fact admitted on all sides, especially by the Northern statesmen—Lincoln and Seward—who agreed in saying that the condition of things in 1861 was an "irrepressible conflict."

The Union then was no Union in the real sense, but the mere juxtaposition of two truly distinct nations having, indeed, a common government, but one which merely intensified bitterness and strife. To the South it appeared that secession was the only peaceful alternative to such a situation.

In support of the constitutional right of secession, the South appealed to the terms of the constitution as interpreted by the literature of the period of its formation and the rules of international law. There can be no doubt that here, too, it had overwhelmingly the best of the argument, and Northern writers have gradually abandoned any contest on this point to fall back upon the argument of the necessity of "preserving the Union" at all costs. But this plea, however sentimental and inspiring, is, after all, a confession that the war against the South in 1861 was a war of invasion and subjugation.

Resources of South and North Compared.

The war began with the sailing, in April, 1861, of the hostile armament from New York to reinforce Fort Sumter "peacefully, if permitted, otherwise by force." From that time the United States of North

MAP SHOWING
FIELD OF OPERATIONS
IN THE SOUTH
1861-65
Scale of Miles
0 50 100 200
WISCONSIN
MICHIGAN
LAKE MICHIGAN
LAKE HURON
ONTARIO
LAKE ERIE
NEW YORK
PENNSYLVANIA
OHIO
INDIANA
ILLINOIS
MO.
KENTUCKY
TENNESSEE
VIRGINIA
WEST VIRGINIA
MARYLAND
NEW JERSEY
DEL.
NORTH CAROLINA
SOUTH CAROLINA
GEORGIA
ALABAMA
MISSISSIPPI
ARKANSAS
L. A.
FLORIDA
GULF OF MEXICO
ATLANTIC OCEAN
BAHAMA ISLANDS
STRAITS OF FLORIDA
Longitude West from Greenwich
ATLAS ENG. CO. N.Y.

America became arrayed against the Confederate States of North America, and the terrible strife was maintained for four long years. The measure of the South's achievements in this war is gauged in great measure by its resources compared with the resources of the enemy. Now in estimating them, it will be found that, however great the power of the South was in comparison with such states as Peru, Switzerland or Bolivia, it was immensely outclassed by the North.

The Confederacy had eleven states with a white population of about 5,000,000 people, omitting the population of West Virginia and East Tennessee, which was loyal to the North. The United States had a white population of 23,000,000, including that of West Virginia and Tennessee, and Maryland, Kentucky and Missouri, which tried to remain neutral and were speedily subdued. The North had the immense advantage of an organized government, with all the records and departments—state, war, money, treasury and justice—perfectly organized and equipped, while the South had to organize the Confederate government from start to finish. Through its ministers at every foreign court the North had the ear of the world. The North had about $11,000,000,000 of taxable values as against about $3,000,000,000 in the South, exclusive of the slaves, 3,500,000 in number, who were valued, in 1861, at about $2,000,000,000, but who had, in fact, no monetary worth outside of the South itself. Only a certain proportion of them were available for throwing up breastworks and raising subsistence for the army.

The North had by far the best means of transportation, a large percentage of the efficient railways and the means of railway equipment. In addition to this the North had nearly all the manufactures,

and possessed a superiority in equipment that is incalculable. When the war broke out the South had very few manufactures of any kind. The North possessed nearly the whole navy, the naval force, the merchant marine of vast extent, only second to that of Great Britain, and the population from which the seamen were drawn. The South was peculiarly open to the operations of the navy, for its territory was penetrated by great water courses, and with its naval superiority the North was enabled to blockade the coast line of the South, to transport with great facility troops and provisions, and to keep up continuous connection between the government in Washington and its different armies in the East and West. It has been argued that the disadvantages under which the South labored were in great measure equalized by the fact that it was fighting on the defensive and on interior lines. In answer to this, however, it may be said that the topography of the country allowed the interior lines to be readily penetrated, and the numerical majority of the North permitting at all times a flanking column rendered breastworks of no more value to the Confederates than to the Federals. As a matter of fact, in most of the great battles the Confederates were the assailants.

The world was open to the North and it could wait, with what patience it could command, the fatal result of "the policy of attrition."

Numerical Superiority of North.

In round numbers the South had on her muster rolls from first to last about 600,000 men, and in this list the South had all it could muster; for at the last it had enlisted in its armies all men between

sixteen and sixty years.* In round numbers the North had a fighting population of over 4,000,000 men, and a wide recruiting field in Europe and among the negro population of the South. The total number of men furnished to the United States army from April 15, 1861, to the close of the war was 2,326,168, and of this number 186,017 were negroes and 494,900 were foreigners.

The following statement, prepared from recognized authoritative sources, shows more in detail the

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*A report of Adjutant and Inspector-General Cooper, C. S. A., published in the *War of Rebellion Official Records*, Series IV., Vol. III., page 102, makes the total of volunteers and conscripts in six Southern states 566,456, up to January, 1864. If the remaining five states furnished troops in anything like the same proportion, the total number of soldiers placed in the field by the Confederate government must have equalled 900,000; but this estimate appears excessive. By another report (*Official Records*, Series IV., Vol. I., 862–1176) the total number in the Confederate armies, about June 30, 1862, was about 340,250, and many of the regiments were enlisted for twelve months only. The numbers as reported in 1864 were doubtless excessive because of reënlistments. See also *William and Mary College Quarterly*, XIII., 141, for a report of General Cooper, Oct. 9, 1863.

Gen. Marcus J. Wright, agent for the war department for collection of military records, places the military population of the Southern states, exclusive of Kentucky, Maryland and Missouri at 1,064,193. Deducting from this number the 86,000 that entered the Federal service and 80,000, the estimated number of Union men who did not take up arms, there remained to the Confederacy 898,193 men capable of bearing arms from which to draw.

"From all reliable data that has been secured, it has been estimated by the best authorities that the strength of the Confederate armies was about 600,000 men, and of this number not more than two-thirds were available for active duty in the field. The necessity of guarding a long line of exposed seacoast, of maintaining permanent garrisons at different posts on inland waters, and at numerous other points, deprived the Confederate Army in the field of an accession of strength." Page: *Robert E. Lee, The Southerner*, Appendix A.

In a letter to the author of this paper, Jan. 18, 1909, General Wright says:

"I am quite familiar with the report of Adjt.-Gen. Cooper to which you refer in Series IV., Vol. III., page 102 of official records.

"I desire to refer you to Series IV., Vol. I., pages 862 *et seq.*, and page 1176, to two reports of General Cooper. At the date of the report on page 1176, Series IV., Vol. I., to wit June 30, 1862, the Confederate army was stronger than at any other period of the war.

"The report on page 962 includes 7,000 Virginia militia which were principally on paper.

"The estimate of the late Colonel Jones and all others who have examined the subject thoroughly of the total Confederate soldiers in the field were from six to, and not exceeding, seven hundred thousand, and this is my estimate. Want of rolls makes impossible to be exact, but I do not think any one can show a larger number than above stated.

"In answer to your query, Tennessee furnished to the Confederate army about 100,000 soldiers; some persons make it 115,000 but this is based on reënlistments.

"I cannot tell you nor is it possible for lack of rolls to say how many troops were furnished to the Confederacy by Maryland, Kentucky and Missouri, but I have a list of all Confederate organizations from those states (and all others), and on this basis and other facts I have made my estimate."

Charles Francis Adams says in his *Some Phases of the Civil War* that 600,000 soldiers was a meager turn out from 5,500,000 (5,000,000?) white people fighting for what they held to be dearer than life! Let him first give proofs that any other nation ever did as well. The Americans fought the War of the Revolution in the same spirit, but out of a population of 3,000,000 they furnished only about 250,000 troops, regulars and militia, during a war nearly twice as long as the Civil War in 1861-'65. Heitman: *Register of the Officers of the Continental Army.*

numerical superiority of the North over the South. In the Northern army there were 1,325,297 whites from the North, 316,424 whites from the South, 186,017 negroes, 3,530 Indians and 494,900 foreigners. The Southern army consisted in round numbers of 600,000 men, hence the North's numerical superiority was 1,726,168. In the Northern army there were 176,800 Germans, 144,200 Irish, 53,500 British-Americans, 45,500 English, 74,900 other nationalities, and 186,017 negroes, a total of 680,917; therefore the foreign and negro elements of the Northern army were greater than the entire army of the South. The Southern men in the Northern army, chiefly from the border states (Kentucky, Maryland and Missouri), and from West Virginia and East Tennessee, numbered 316,424, and with the foreigners and negroes made a total of 997,341.

It will be seen, therefore, that the North had not only the numerical superiority in the aggregate, but that, had not a man been enlisted from the nineteen distinctly Northern states, its army of foreigners, negroes and Southern men in sympathy with the North would have largely exceeded the number fighting for the Confederacy.

An English soldier and critic, Colonel Lawler, writing in *Blackwood's Magazine,* says that it is an under, rather than an over, estimate that during the first two years the odds, all told, were ten to one, and during the last two years twenty to one against the Confederates. What then is the explanation of the ability of the South to carry on against such enormous disadvantages a four years' war? The Northerners came of as good stock as the Southerners, and the answer must come from something else than mere physical bravery or superior inherent powers.

FORTRESS MONROE AND VICINITY, 1862.

Spirit and Training of Southerners Factors in Struggle.

First and foremost, there was the aristocratic character of the South which was the outcome of slavery. By this is not meant the aristocracy of the great slaveholders which, after all, was only a social veneering, but the aristocracy of race. The menial services in the North were performed by white people, but in the South these duties fell to the slaves. Such aristocracy between the whites as existed was confined to the domestic circle, for as soon as the rich man stepped outside of his plantation he had to treat his poor white neighbor as an equal, had to speak to him with deference, and address him as "Mister." More than 100 years had passed since there was a class of white servants, and therefore the spirit of the South was the spirit of equality and independence. What Edmund Burke said of Virginians, in 1776, was equally true of the white South in 1861. "Freedom," said he, "to them [the Virginians] is not only an enjoyment, but a kind of rank and privilege. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible."

It is fair to suppose that this pride of race when carried into the army urged the Confederate troops to great sacrifices. As an interesting evidence of the spirit of independence engendered by this pride of race, the soldiers elected their own officers from captain down. So instead of having a discouraging effect upon the South, the threats of Mr. Lincoln to free the slaves and raise them to an equality with the white population, operated to goad the South to even more desperate deeds of valor and endurance.

In the second place, the habits of the Southern people arising from country life were favorable to the soldier's career. Hunting and fishing, riding and overseeing the farm, working in the open air

winter and summer, enured them to hardships and exposure and gave the Southern men the advantage over all of the Northerners, except such as came from the Western states. The Southern soldiers were reduced to living on parched corn and hard tack that broke the edges of the teeth, but they complained very little and grimly fought on.

Thirdly and lastly, the Southern people knew that in the issue of the struggle everything dear to them was involved—their property, their most cherished and sacred principles, and their political importance as a people. They were horrified, too, at the fear of negro domination and of seeing repeated in their own fair land the horrors of Hayti and San Domingo. And, indeed, the ordeal of reconstruction through which they actually did pass after the war proved that their fears were not merely idle apprehensions. The Northern men, on the other hand, knew that their homes were safe from attack, and that in any event their own political freedom and social integrity were safe. The rising of the North after the Fort Sumter incident was an enthusiastic declaration that the boundaries of the Union should be made intact, but the rush to arms of the South with its fighting men, aided by the heroic sympathies and self-sacrificing labors of all its women, was a passionate chant for home and fireside. As the war progressed serious party divisions arose in the North on the policy of continuing the war, but in the South during the four years of mighty struggle there was no such thing as party, and all were practically united in the one supreme purpose of driving back the invader.

Thus the odds which existed between the two sections were greatly reduced by circumstances which will probably never occur again in the history of the South. Never, perhaps, under all the most favored

conditions of society, will the world again see a people so unified within a given area, so capable for all hardships and exposure of war, and so possessed with the spirit of resistance.

Efficiency of Civil and Military Departments.

Nerved to almost superhuman efforts, the Southern people accomplished prodigious results in all directions. Nevertheless, everything was accomplished in an orderly manner. The separation from the Union was effected by each state for itself in its convention regularly elected, and a confederate republic was established under a constitution remarkably well digested. An effective national government was organized, and in the selection of officers, clerks and employees generally, Mr. Davis, the President, showed wonderful ability. There was not much time to enquire into the capacities of men or their experience, but the body of Confederate office-holders could compare, in point of ability and efficiency, with that of the Federal government, whose selection had been a matter of deliberate and matured consideration.

The military organization was wisely taken, and military rank was carefully graduated to suit the size of the various commands. With his experience in the Mexican war and as secretary of war of the United States, President Davis was enabled to make a judicious selection of the higher officers, making far fewer mistakes than President Lincoln, who at first selected politicians for generals, and only after making all kinds of blundering appointments accidently fell upon Sherman, Thomas and Grant. Lincoln, without any military experience himself, nevertheless constantly interfered with military plans and

permitted Halleck and Stanton to write letters to his generals full of insulting threats.*

In the matter of supplying the army with munitions of war, the Confederate government was also remarkably active. Its soldiers started with the muskets and rifles which had been found in the forts and arsenals of the United States occupied by the Confederates throughout the South. These were sufficient to equip an army of 150,000 men, but on trial at Bull Run and elsewhere they were found to be antiquated and ineffective, and the Southern soldiers were only too glad to throw them aside to pick up the better guns which their enemies left on the battlefields. In everything else—powder, cannon, percussion caps, cavalry equipments, gun carriages —the South was practically destitute. The only cannon-foundry existing was at Richmond, and there was no rolling-mill for bar iron south of that place. And yet, as proof that the Southern men had inherently all the business ingenuity of the Northern, it is well known that by the close of 1863 the Southern authorities had created almost literally out of the ground foundries and rolling-mills at Selma, Richmond, Atlanta and Macon; smelting works at Petersburg, chemical works at Charlotte, N. C., a powder mill under General Raines, far superior to any in the United States and unsurpassed by any across the ocean; arsenals, armories and laboratories equal in their capacity and their improved appointments to the best of those in the United States, stretching link by link from Virginia to Alabama. The production of nitre, iron, lead and copper, as well as the manufacture of sulphuric and nitric acid, was undertaken on a large scale, and

*To a letter of this kind General Rosecrans replied with proper spirit: "To threats of removal or the like I must be permitted to say that I am indifferent." Ropes, II., 422.

saddles, boots, shoes and other articles of prime necessity were turned out to a surprising amount, though, of course, in view of the vast demand to maintain the large armies in the field, great reliance had to be placed on the blockade-runners.

In the work of providing food for the army wonders were done. To gather provisions from all quarters and to transport them from point to point was a gigantic task. The railroads were not only insufficient in number, but poorly furnished with rolling stock, and had been mainly dependent upon Northern foundries and factories for their rails and equipment. Even the skilled operators of the railroads were generally Northern men, and their desertion followed close upon every disaster which attended the Confederate army. Living the life of the countryman before the war, the Southern man had been unwilling to give up the delights of his free existence to engage in the drudgery of a counting-room or factory. But it is surprising to see the orderly system which came to be inaugurated under the guiding hand of the remarkable president of the Confederacy, and the readiness with which the man of the fields and the woods transformed himself, when the occasion demanded it, into the skilled mechanic or engineer. The difficulties which on every side met the several departments of the executive branch of the government were simply stupendous. Too much attention has been given to mere numbers in the army, for in the economy of nature, man, who is styled the "Lord of Creation," becomes the weakest of the animal tribe when left without food, clothing or adequate means of defense.

Let us now make a rapid review of the campaigns of the war in order to exhibit the achievements of the Southern people in battle.

Operations in 1861.

In pursuance of its policy of subjugation, the measures proposed for the first year by the Federal government were to seize the border states of Maryland, Kentucky and Missouri, to occupy West Virginia, to envelope the entire Southern coast line with a blockade, and to capture Richmond by an advance from Washington.

In all these measures but the last the North, from the great advantages which it possessed, substantially succeeded. In the numerous small engagements which ensued in territory more or less loyal, the Federals were largely superior in numbers, and, though the friends of the Confederacy greatly distinguished themselves in various engagements, the subjugation of Maryland, West Virginia, Kentucky and Missouri was the final and inevitable outcome. Their monopoly of the shipping power of the country enabled them also to make more and more effective their blockading scheme, although they did not at any time have it entirely their own way. The Confederate government developed remarkable ability, sent cruisers to sea, which played havoc with the United States commerce, and for river defense created a fleet of gunboats and steam launches.*

But in the great purpose of overwhelming the Confederate capital the Federals suffered an immense and notable reverse. General McDowell marched with an army of nearly 36,000 men from Washington, and was confronted at Bull Run in Prince William County by two Confederate armies aggregating about 33,000 men under Joseph Johnston and P. G. T. Beauregard. The Federal army had greatly the advantage in equipment, and had

*In a letter dated Jan. 19, 1862, Com. Matthew F. Maury wrote: "In my judgment the greatest loss to us since the war occurred yesterday when Mr. Tyler died. It is to him that we are mainly indebted for these new sinews to our naval arm." *Official Records of the Union and Confederate Navies*, Series I., Vol. VI., p. 633.

LIEUT. GEN. THOMAS J. JACKSON
MAJ. GEN. JOHN C. BRECKINRIDGE
MAJ. GEN. STERLING PRICE
GEN. ROBERT E. LEE
GEN. JOSEPH E. JOHNSTON
LIEUT. GEN. D. H. HILL
GEN. BRAXTON BRAGG
LIEUT. GEN. LEONIDAS POLK
MAJ. GEN. A. SIDNEY JOHNSTON
LIEUT. GEN. JOHN C. PEMBERTON

CONFEDERATE GENERALS.

eight companies of infantry, one battalion of marines and nine batteries belonging to the regular army, each man of whom, as a fighting machine, was worth five volunteers in that early stage of the war. Of the actual number brought into battle the Federals had also slightly the advantage (18,500 to 18,000). They had the advantage of the strategy, as they took the Confederates on the flank, and were massed in great force at the point of attack against a much smaller body of Confederates, who were reinforced from time to time, some of the reinforcements not arriving till the battle was nearly over. These advantages far more than counterbalanced the disadvantage of being the assailants and of advancing under fire to the attack.

The Federals finally broke and retreated. The retreat became a rout, the rout a panic, and a disorganized mob rushed back to Washington. Thus the first year closed greatly to the honor of the Confederates.

Operations in 1862.

The government of the United States began its second year's operations by moving an army upon Richmond direct from Washington under McDowell, afterwards succeeded by Pope, and another still larger force upon that city under McClellan from Fort Monroe, up along the Peninsula between the York and the James. Two armies under Buell and Grant moved down from Kentucky to subjugate Tennessee, and a naval force was sent around to capture New Orleans and thereby secure the lower part of the Mississippi River.

Nevertheless, the year closed greatly to the encouragement of the Confederates. In Virginia General Jackson defeated three armies, each as large as his own, in the Shenandoah Valley; and General Lee, by a series of brilliant strategic movements and

fierce attacks, hurled back the army of McClellan from before Richmond, and then, marching northward, overwhelmed Pope at Manassas and drove him back to Washington. Gen. J. E. B. Stuart performed the most brilliant cavalry exploit of the war when, with his small body of cavalry, he made a raid around the army of McClellan.

In the West the Federals captured the Confederate strongholds, Fort Henry and Fort Donelson, but were stopped by Gen. A. S. Johnston at the battle of Shiloh, which, though doubtfully fought, proved a Confederate victory; for after it, the Confederates under Bragg marched northward into Kentucky and took possession of Frankfort, the capital. Though Bragg soon gave up the place and concentrated his forces at Murfreesboro in Tennessee, it may be said that the net result of his battles and victories was the recovery of Cumberland Gap and the redemption of Middle Tennessee and northern Alabama. Both Grant and Sherman completely failed in their several movements to capture Vicksburg.

Lee, after his victory at Manasses in Virginia, carried the war into the enemy's territory, but the battle of Sharpsburg, though a drawn fight, fought at a great disadvantage of numbers on the Confederate side, prevented any further advance, and Lee retired to Virginia. Here he turned upon Burnside, who followed him to Fredericksburg and inflicted a mighty defeat upon him. The marvelous strategy shown by Lee in these great encounters has acquired for him by almost general consent a place in the foremost ranks of military leaders, with Hannibal, Caesar and Napoleon.

The great aid rendered by its naval resources to the Federal cause was conspicuously shown in these campaigns. Had it not been for his change of base

AN ATTACK BY THE CONFEDERATES DURING THE RETREAT FROM MANASSAS.

from the York River to the James, rendered possible by his shipping, McClellan, cut off from his supplies at West Point, would have been compelled to surrender his entire army. And in the West the great rivers, the Mississippi, the Tennessee and the Cumberland, traversing the South almost longitudinally, afforded easy lines of support and approach. The Confederates had to plant forts on the shores to keep back the enemy, but attacked on one side by the army and on the other by the fleet, these forts, in the end, proved veritable traps for the capture of thousands of brave men. At New Orleans Farragut, the Federal admiral, ran his numerous ships past the forts at the mouth of the Mississippi and thus took the city. But even in this field of operation the Confederates developed a power that astonished the enemy, and the careers of the *Alabama* and the other Southern cruisers at sea and a great naval victory won by the ironclad *Virginia* in Hampton Roads lent a wonderful radiance to this year of Confederate glory.

On the morning of March 8, 1862, the *Virginia,* rebuilt by Southern ingenuity upon a novel plan on the hull of the old Federal warship *Merrimac,* steamed away to attack the Federal war vessels lying in Hampton Roads. In the fight which followed between the *Virginia* and the United States vessels, the *Cumberland* was sunk, the *Congress* was burned, the *Minnesota* run aground, and the rest of the fleet scattered. For a time it appeared as if the whole naval power of the United States had crumbled away, but during the night after this battle the *Monitor,* a new ironclad, also just completed by the Federals, came into the roads, and taking position between the *Minnesota* and the *Virginia* renewed the fight. She was a vessel much more heavily armored than the *Virginia,* scarcely presented

any surface above water, and, unlike her antagonist, was exceedingly nimble by reason of the lightness of her draught, which was only about ten feet. It was the *first battle between ironclads ever fought,* and for four hours they battered one another with their guns without doing any particular damage, until at last a shell from the *Virginia* exploded in the turret of the *Monitor,* blinding her gallant captain, John L. Worden. Thereupon the *Monitor,* according to the official statement of G. J. Van Brunt, captain of the *Minnesota,* steamed out of range of shot towards Old Point Comfort, and the *Virginia,* having in vain waited three-quarters of an hour for her antagonist to return, retired to Norfolk.

This battle between the two ironclad vessels was a Confederate victory, for the *Monitor* first retreated from the field, and in obedience to orders from Washington would never risk another encounter, although the *Virginia* challenged her to fight on two other distinct occasions. On the first of these occasions, April 11, the *Monitor* submitted to the deep humiliation of seeing three Federal transports captured in Hampton Roads and dragged around in the presence of the French and English cruisers. The *Virginia's* victory was none the less a victory because she did not destroy all the United States ships. After the fight with the *Monitor* she protected for several weeks the right wing of Gen. Joseph E. Johnston's army, but when his left wing at Yorktown was turned and Norfolk and the Peninsula were evacuated, the Confederates blew her up near Craney Island. Had her great draught of twenty-three feet permitted her to go up James River, McClellan could not have changed his base to Harrison's Landing, and, after the Seven Days' Battles near Richmond, would have been at the mercy of the Confederate army.

Indeed, the exploits of the *Virginia* were more far reaching than a victory over the Federal fleet or a combat with the *Monitor*. It was Southern ingenuity and daring demonstrated in Hampton Roads in the first day's fight that proved the inadequacy of wooden vessels as fighting machines, and revolutionized naval warfare throughout the world. This revolution would have occurred had the fight with the *Monitor* never taken place.

Operations in 1863.

The Federal government placed General Hooker in command of the army of the Potomac and strongly reinforced him. Lee confronted him at Chancellorsville with about half this number, and by means of a brilliant flank attack conducted by General Jackson, rolled him up and completely defeated him. The success was dearly paid for by the death of this incomparable soldier who was shot by his own men.

The Southern star had reached its zenith. Grant had just failed in his first efforts to capture Vicksburg, and Hooker's army was growing weaker by reason of the rapid desertion of his men. The Democratic party of the North was declaring the war "a failure" and denouncing the military tyranny that had been erected upon the ruins of the constitution, under the so-called "military powers of the president."

Lee led his army northward across the Potomac and marched into Pennsylvania, threatening Baltimore and Philadelphia. George G. Meade was made commander of the Federal army, which was thrown across Lee's track at Gettysburg. Lee hurled his army upon his antagonist entrenched with superior forces upon commanding heights, and the charge of the detachment on July 3, 1863, under General Pickett, has become world famous. But the Federal

forces fought bravely, and were too strongly entrenched to be driven away, and Lee was compelled to withdraw into Virginia again. Meade's forces were too badly shattered to attack, and though he followed Lee to Virginia it was always at a distance. An even greater disaster befell the Confederate course in the West, where Vicksburg was captured by General Grant on July 4, 1863, and Port Hudson on July 9, involving the loss of about 40,000 veteran soldiers, who were taken prisoners. In these western successes the power of the Federal navy again made itself felt. Bragg, in September, 1863, won a great victory at Chickamauga, but the effects of it was lost by the Federal successes in November, 1863, at Lookout Mountain and Missionary Ridge.

From this time the star of the South began to decline. Previous to the battle of Gettysburg, everybody in both sections and in foreign countries was tired of the war, and a fresh success of the Confederate troops at Gettysburg would have greatly discouraged Lincoln* and the North, emboldened the nations of the earth to recognize the struggling South, and probably have insured the triumph of the Confederate cause.

But the reverses of the South greatly elated the North, which had still enormous resources comparatively untouched. They greatly discouraged many in the South whose supplies were now failing at all points, and foreign intervention became a very remote prospect.

Operations in 1864.

As the power of the Confederacy declined, the operations of the Federal government became more and more desperate. Gen. U. S. Grant was put in command of all the armies of the Union and adopted

*"His [Lincoln's] natural limitations mainly displayed themselves in an unnecessary despondency on the one hand and a feverish haste for action on the other, which tended to bring him into collision with his generals." Wood and Edmunds: *A History of the Civil War in the United States*, p. 29.

a most drastic policy. Sheridan was sent to the Valley of Virginia and directed to lay waste the country. Sherman was dispatched with a large army to Georgia to destroy Gen. Joseph E. Johnston at Dalton. Grant himself, at the head of 130,000 men, advanced toward Richmond, but Lee threw himself repeatedly in his way and fought the battles of the Wilderness, Spottsylvania Court House and Cold Harbor, in which he inflicted upon the Federal commander a loss of 60,000 men, a number equal to Lee's whole army. Lee's loss amounted to 20,000. The close of the year found Grant encamped in front of Richmond and Petersburg hammering away with immense losses to himself at Lee's attenuated line fifty miles in length.

In the meantime, Sherman's career of desolation southward was receiving severe checks at the hand of Joseph E. Johnston. At Kenesaw Mountain, near Marietta, Ga., Sherman made three assaults against Johnston's fortifications, but was repulsed each time with heavy loss. Johnston had conducted the campaign with great skill, retreating before Sherman and striking him sledge-hammer blows as he came up. At last he reached Atlanta, but his position in the plain to which Sherman had driven him seemed to expose him even to greater difficulties than at Kenesaw, and another retreat would involve the loss of that important city with all its important foundries, arsenals and stores. There was a tremendous clamor for the removal of Johnston, and Mr. Davis appointed General Hood in his place, yielding to the demand, but not till after all his cabinet had acquiesced. This, as it turned out, was a mistake on the part of Mr. Davis, one of the very few he made,*

*Mr. Davis has been criticised for interference with his generals, but this interference has been greatly exaggerated. He was criticized for interference in the Bull Run campaign, but Ropes says that "his generals, Johnston and Beauregard, were left very much to themselves." Ropes I., 131.

for Hood tried the aggressive policy, was driven back speedily with loss, and forced out of the city. He marched north to cut Sherman's connections, and drove before him the army of Schofield which opposed him, but on Dec. 15-16, 1864, Thomas attacked Hood's army in front of Nashville and completely defeated the Confederates. Hood's regiments fled in confusion, and were saved from destruction only by the gallant work of the rear guard under command of Gens. S. D. Lee and N. B. Forrest.

Sherman, in the meantime, left to himself in Georgia, marched from Atlanta to Savannah, making a path of desolation forty miles wide. It is said that if a cyclone of fire had rushed along the country the ruin and destruction could not have been more complete. Near the end of December, 1864, his troops entered the city.

Although cut off from the rest of the Confederacy after the capture of Vicksburg, the Confederates on the west of the Mississippi under Gen. Dick Taylor and Kirby Smith did excellent work. In April, 1864, about 50,000 Federal soldiers under Banks and Porter advanced against Shreveport, La. They were suddenly attacked by 30,000 Confederates at Sabine Cross Roads, La., April 9, 1864, and defeated with dreadful loss. Not long after General Forrest captured Fort Pillow, which was a brilliant affair, but, of course, of no great permanent value.

Operations in 1865.

General Lee was placed in command of all the armies of the South, and he restored General Johnston to the command of the few scattered forces opposing Sherman. But the gallant fight was drawing to an end. The capture of Fort Fisher (commanded by General Whiting and Col. William Lamb) in January, 1865, by a joint land and naval

MEETING OF ROBERT E. LEE AND U. S. GRANT.
Near Appomattox Court House, Virginia, April 10, 1865.

force, closed Wilmington to the blockade-runners, and the South was completely shut off from sea communication with other countries. No supplies could come from abroad, while the granaries of the South —the Valley of Virginia and Georgia—were desolate, and the railroads communicating from the South with Richmond were for the greater part in the hands of the enemy. Desertions were frequent in the ranks, and at last the south wing of Lee's army was broken four miles below Petersburg. He was compelled to retreat, was closely followed by the Federal army, and at last surrendered his army at Appomattox, April 9, 1865. This was followed by the surrender of Gen. Joseph E. Johnston, Gen. Dick Taylor, Gen. E. Kirby Smith and other generals commanding Confederate forces that, with Lee's, all together made a total of 157,613 men. The number of soldiers in all the Federal armies in April, 1865, was 797,807 present for duty.

Conduct of Federals During and After War.

The war was won only by the use of the most drastic methods on the part of the North. Though the representatives of Hayti, Nicaragua and Costa Rica and other small nations were given the full courtesy of sovereigns at Washington, the South, many times stronger, was denied even the ordinary rights of a belligerent, and the government at Washington pretended to treat their resistance as a mere mob disturbance. An act of Congress, put forth by Lincoln with the approval of a proclamation,* pronounced death or confiscation of property upon everybody taking part in the war. The commissioned cruisers of the South were called pirates, and the crews and officers threatened with hanging.

*Messages and Papers of the Presidents, VI., 93.

Everybody above sixteen years of age, of either sex, within the limits occupied by the Federals, were required to take an oath of allegiance under penalty of being put outside of the lines—into the woods it might be. Lincoln declared freedom to the slaves as a military measure, and his cabinet were distinctly disappointed that the negroes remained quiet and peaceful. That a servile insurrection, with all the horrors of indiscriminate murder and plunder, did not occur is certainly not due to any precaution of the United States government.

Contrary to the law of nations between belligerents, the Federals seized or destroyed millions of dollars worth of private property, without any compensation, and declined to exchange prisoners, or to permit medicines to be sent through the lines to their own sick soldiers in Southern prisons. Grant, who had the authority, refused exchanges on the grounds that "if we hold those caught, they amount to no more than dead men." When because of this stern policy the Southern government had difficulty in feeding the Northern prisoners, the Federal government retaliated on the Southern prisoners at Point Lookout and other places the starvation which their poor men, in common with the Southern soldiers, were experiencing. After the war they sought a victim in Major Wirz, who commanded at Andersonville, and put him to death after several persons had tried to force him to implicate Mr. Davis in the murder of President Lincoln. The excuse offered by General Sherman for these extreme measures was that "war is hell," but hell itself is not the old hell of 500 years ago, and modern war is supposed to be controlled by the humane principle of international law.*

**The Confederate Cause and Conduct of the War between the States*, Report of George L. Christian, Oct. 25, 1906.

Perhaps nothing reflects upon the good name of this Republic more than the treatment accorded Mr. Davis by the government after his capture. Supposing he were a rebel, and that he had led a rebellion, that rebellion was called by themselves "the great rebellion," and was one which had challenged the energies of the nation for four years. Mr. Davis represented many millions of people; but instead of treating him with dignity, the Federal government loaded him with chains, thereby insulting the cause which they had many reasons to admit had fought a good fight.*

Mr. Davis was for many years a victim of extreme rancor on the part of the North, and some of the Southern people, especially those whom he had crossed in any way during the war, were disposed to make him the national scapegoat after it was over. But his character has proved a rock which has resisted the combined assaults of all his enemies, and his reputation has grown brighter and brighter. He has been unjustly accused of favoring guerilla warfare after Lee's surrender, but the evidence goes only to show that he did not approve of unconditional surrender in the case of armies in the field which were not surrounded like Lee's.

He approved, as is well known, the original Sherman-Johnston pact, guaranteeing the restoration of former governments in the seceding states. Had Johnston, Dick Taylor and the other generals known what was coming to the South in the guise of "reconstruction," they probably would have tried to make better terms than they did.

There has never been at any time a lack of good, kind, humane people in the North, but the facts seem

*"The struggle had been colossal, a war of giants; no previous war had in the same time entailed upon the combatants such enormous sacrifices of life and wealth; and perhaps no previous war had been so decisive in its results." Wood and Edmunds: *A History of the Civil War in the United States*, 525.

to show that the Northern officials during the war were often men of very coarse moral fibre. George B. McClellan was a notable exception. Even after his defeat before Richmond he had no rancor, and wrote to Mr. Lincoln from Harrison's Landing in the following words: "This rebellion has assumed the character of a war; as such it should be conducted upon the highest principles of Christian civilization. It should not be a war looking to the subjugation of the people of any state in any event. It should not be at all a war upon populations, but against armed forces and political organizations. Neither confiscation of property, political executions of persons, territorial organizations of states, nor forcible abolition of slavery should be contemplated for a moment." McClellan laid down the international law exactly. In a war the things to get at are the armed forces and political organizations of the enemy, and not the private property of non-combatants.

The burning of Chambersburg by General Early is probably the only case of severity by the Confederates seeming to need defense. That act has its perfect justification in the international law doctrine of retaliation. The burning was done in order to stop, if possible, the ruthless devastation of property in the Valley of Virginia by Gen. David Hunter. General Early gave the people of the town the alternative of paying down $100,000 in gold, or $500,000 in greenbacks, which represented only a small part of the damages committed by General Hunter, and the people of Chambersburg defied him to do his worst.

The following figures show that in every important battle the Federals had largely the preponderance. They also show that in spite of the clamor made about the sufferings of Northern prisoners,

more Southern men died in Northern prisons than Northern men died in Southern prisons—located though the Northern prisons were in a land of plenty.

NUMBER OF SOLDIERS IN BATTLE.

	Confederates	Federals
Seven Days' Battle	80,835	115,249
Antietam	35,255	87,164
Chancellorsville	57,212	131,661
Fredericksburg	78,110	110,000
Gettysburg	62,000	95,000
Chickamauga	44,000	65,000
Wilderness	63,987	141,160

NUMBER OF SOLDIERS IN PRISON.

Federals in Confederate Prisons	270,000
Confederates in Federal Prisons	220,000
Confederates died in Federal Prisons	26,436
Federals died in Confederate prisons	22,570

Forty-four years of peace have united the people of the North and South in the bonds of friendship. There is a new Union now, and the South, always preferring a real Union to secession, believes in the present Union because it is real. Differences in institutions and occupations have disappeared, no matter how, and the South looks hopefully to the future. But this carries with it no regret as to its action in 1861, for the Union then was a mere delusion and anything was better than "an irrepressible conflict."

Had the South achieved its independence there is no reason to suppose that the Confederacy would have proved a failure as a nation. It had population and territory sufficient, and its laws would have been conformed to its own conditions. Slavery, instead of being violently removed, would have passed away by peaceful means. The strongest national tie is after all, not force, but patriotic sentiment, and the recognized lawfulness of secession might have prevented the government from playing the tyrant

and proved a bond of perpetuation instead of dissolution. The sanction of the authority of the Confederacy was placed just where Great Britain has learned to place hers, on the most magnificent scale of an empire reaching over far distant seas and to lands on opposite sides of the globe, *in local self-government and the affections and interests of the people.*

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Chapter III.

THE DIPLOMATIC RELATIONS OF THE CONFEDERACY.

Faith in the Supremacy of Cotton.

IN seceding from the Union the Southern states based their hope of success on two beliefs,—one that the Northerners would prove indifferent fighters, and the other that the dependence of Europe on the cotton supply of the South would compel early recognition of independence, and, if the war continued long, intervention. It is difficult for us to realize, at this day, the infatuation with which the latter idea was cherished. Senator Hammond, of South Carolina, voiced a widespread belief when he said in the United States senate Mar. 4, 1858:

"If there were no other reason why we should never have war, would any sane nation make war on cotton? Without firing a gun, without drawing a sword, should they make war on us we could bring the whole world to our feet. * * * What would happen if no cotton was furnished for three years? I will not stop to depict what every one can imagine, but this is certain: England would topple headlong and carry the whole civilized world with her, save the South. No, you dare not make war on cotton. No power on earth dares to make war upon it. 'Cotton *is* King.' Until lately the Bank of England was king, but she tried to put her screws as usual, the fall before the last, upon the cotton crop, and was utterly vanquished. The last power has been conquered. Who can doubt, that has looked at recent events, that cotton is supreme?"

William H. Russell, correspondent of the London *Times*, who was in Charleston during the exciting days of April, 1861, was very much impressed with the fact that the Southerners were staking everything on their faith in cotton. He wrote:

"These tall, thin, fine-faced Carolinians are great materialists. Slavery perhaps has aggravated the tendency to look at all the world through parapets of cotton-bales and rice-bags, and though more stately and less vulgar, the worshippers here are not less prostrate before the 'almighty dollar' than the Northerners."

Describing a dinner given in his honor by the British consul, he says:

"It was scarcely very agreeable to my host or myself to find that no considerations were believed to be of consequence in reference to England except her material interests, and that these worthy gentlemen regarded her as a sort of appanage of their cotton kingdom. 'Why, sir, we have only to shut off your supply of cotton for a few weeks, and we can create a revolution in Great Britain. There are four millions of your people depending on us for their bread, not to speak of the many millions of dollars. No, sir, we know that England must recognize us.'"

Recording a conversation with Edmund Rhett, he says: "Mr. Rhett is also persuaded that the lord chancellor sits on a cotton bale."

It was not until the return of Mr. Yancey from his unsuccessful mission to Europe, that the leaders of the Confederacy realized their mistake. In a speech in New Orleans in March, 1862, he said: "It is an error to say that 'Cotton is King.' It is not. It is a great and influential power in commerce, but not its dictator." Six months later in a speech at Crawfordville, Ga., Alexander H. Stephens said: "The great error of those who supposed that King Cotton would compel the English ministry to recognize our government and break the blockade, and who will look for the same result from the total abandonment of its culture, consists in mistaking the nature of the kingdom of the potentate. His power is commercial and financial, not political." These quotations will explain how it was that the South entered on the war without taking into consideration the possibilities of the blockade, which was in reality destined to be the determining factor in the contest.

Blockade and Recognition of Belligerency.

On April 17, 1861, Jefferson Davis, president of the Confederate states, by public proclamation invited applications for letters of marque and reprisal,

thereby indicating the intention of waging war on the high seas against the commerce of the United States. Two days later, President Lincoln, acting, he said, "in pursuance of the laws of the United States and of the law of nations," proclaimed a blockade of the Confederate ports from South Carolina to Texas, and eight days later extended it so as to include the coasts of North Carolina and Virginia. He also declared that if any person, acting under the pretended authority of the Confederate states, should molest a vessel of the United States, such person would be "held amenable to the laws of the United States for the prevention and punishment of piracy."

On May 13, England issued a proclamation of neutrality, which was followed by similar declarations from France, Spain and the Netherlands in June, from Brazil in August, and from the other maritime powers in due course. This action did not commit the powers to a recognition of the independence of the Confederacy nor to the reception of diplomatic agents. It merely extended to the Confederates the rights of belligerents, that is, it entitled their flag to recognition on the high seas and their ships of war and commerce to the same privileges in neutral ports as were accorded the ships of the North. The action of England was deeply resented in the United States and was made the subject of reiterated complaint. It was considered an unfriendly act and the first step toward ultimate recognition of independence. The American government contended that war did not exist in the international sense; that the United States had not relinquished its sovereignty over the Southern states; that the Confederates were insurgents or rebels; and that there was no reason why any foreign power should take official cognizance of them. This con-

tention was not only directly at variance with the well-known practice of the United States in according recognition to *de facto* governments, but it was also untenable in international law, for President Lincoln's proclamation of a blockade "in pursuance of the law of nations" was an official acknowledgment to the nations of the world that a state of public war existed. His proclamation directed the search and seizure of ships of other nations found entering or attempting to enter a blockaded port. Such rights over commerce are accorded only to belligerents and are never admissible in time of peace. The United States has upon every other occasion in its history denied the validity of the so-called pacific blockade, as in the attempt of England and Germany in 1902 to coerce Venezuela, when it insisted that a blockade which affected the ships of third parties was an act of war. Furthermore the Supreme Court of the United States, at its December term in 1862, declared that the President's proclamation of a blockade (April 19, 1861) was "itself official and conclusive evidence to the court that a state of war existed." The fact that British subjects had millions of dollars of property in the South and that their vessels and goods were threatened with seizure in case they attempted to enter a Confederate port, made it necessary for the British government to take cognizance of the war and to warn its subjects officially that, if they wished to avoid the confiscation of their property, they must observe the rules of neutrality.

Disputed Points of International Law.

When the war began the powers of Europe were much concerned as to what attitude the two belligerents would assume in regard to privateering and blockades, and what treatment they would accord

to the neutral flag and to neutral goods. The principal European powers had reached an understanding among themselves on these points, at a conference at Paris in 1856, following the Crimean War. The declaration then adopted was as follows:

"(1) Privateering is and remains abolished; (2) The neutral flag covers enemy's goods, with the exception of contraband of war; (3) Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag; (4) Blockades, in order to be binding, must be effective."

The United States was invited to give its adherence to this declaration, but declined on grounds stated at length by Mr. Marcy, who was then secretary of state. He said that while it was well known that the United States was in thorough accord with the last three propositions, it could not consent to the first, unless coupled with a declaration exempting the private property of belligerents, other than contraband of war, from capture; that without this amendment, the United States, whose policy was against maintaining a large naval establishment in time of peace, would have to continue in attacking the commerce of its enemies, to depend largely on privateers. Marcy's amendment was not accepted by the signers of the Declaration of Paris.

The refusal of the United States, in 1856, to give up privateering was soon to prove a boomerang, as was evident in the announcement of President Davis of his intention to issue letters of marque and reprisal. When Mr. Seward became aware of this he lost no time in taking steps to arrange for the immediate adherence of the United States to the Declaration of Paris. In a circular note to the representatives of the United States abroad he directed them to sign formal acts of adherence, with the Marcy amendment if there was any chance of se-

curing it, but if not, then unconditionally. This was a very clever move on the part of Mr. Seward. According to his view all citizens of the United States, loyal or disloyal, were alike bound by the law of nations and the treaties entered into by the United States, and therefore, if the powers would admit the United States as a signatory of the Declaration of Paris, privateering on the part of the Confederacy would be a violation of international agreement and could not be recognized by the powers of Europe. But England and France had already committed themselves on this point and were not to be caught in any such trap. Lord Lyons, the British minister at Washington, had been instructed by his government, as soon as war began, to secure if possible, the assent of the Confederacy to the rules of 1856 regarding the neutral flag, neutral goods, and blockades. The matter was brought to the attention of President Davis through the British consul at Charleston, and as a result the Confederate Congress passed a resolution maintaining the right of privateering, but acceding to the Declaration of Paris on the other points. England thus practically agreed not to interfere with privateering by the Confederates. When Seward heard of the negotiations he asked for the removal of the consul, and on Earl Russell's refusal to withdraw him, President Lincoln revoked his *exequatur*, on the ground that he had invited the insurgents to become a party to an international agreement similar to a treaty.

When Mr. Seward's note in regard to the Declaration of Paris was brought to the attention of the French minister, he agreed to sign a convention with the American government covering the declaration, provided that it did not implicate his government, directly or indirectly, in the internal conflict then existing in the United States. The British minister

likewise agreed to sign such an agreement, provided it was to be prospective and was not to "invalidate anything already done." When asked by Mr. Adams to explain his meaning, he said: "It would follow logically and consistently, from the attitude taken by her majesty's government, that the so-called Confederate states, being acknowledged as a belligerent, might, by the law of nations, arm privateers, and that their privateers must be regarded as the armed vessels of a belligerent." In other words the Declaration of Paris was not a part of international law at that time, but simply a treaty agreement and could bind only those powers which had formally accepted it. When the position of England and France was clearly understood, Mr. Seward let the matter drop.

It was of course a great advantage to the Confederates to have their privateers recognized by the powers instead of being treated as pirates, but on one point the decision of the British government was a great disappointment to the South: England refused to allow either belligerent to bring prizes into her ports. As the Confederates were unable, on account of the blockade, to reach their own ports with their prizes, their exclusion from foreign ports led them to resort to the rather questionable practice of destroying the vessels they captured. But the Confederates had no ground of complaint against England on this score, for her decision, while purely optional, was in accord with the best tendencies of neutral usage.

First Efforts to Secure Recognition of Independence.

Before the outbreak of hostilities the Confederate government had taken steps to gain admission into the family of nations. On Mar. 16, 1861, Mr. Toombs, secretary of state, directed W. L. Yancey, P. A.

Rost and A. Dudley Mann to go to London as soon as possible, and thence to the other European capitals, to press the claims of their country to full recognition as an independent power. On May 3, through the courtesy of Mr. Gregory, a member of Parliament, the commissioners were granted a private interview with Lord Russell at his home, but received little encouragement. It was at once clear that his policy was to delay recognition and await the outcome of the struggle. Mr. Rost then proceeded to Paris, where, in an interview with a confidential friend of the Emperor Louis Napoleon, he received greater encouragement. He was informed that England and France had agreed to pursue the same course and that recognition was a mere matter of time. In a dispatch to Mr. Toombs, the commissioners expressed confidence that neither England nor France was averse to the disintegration of the United States, but that they feared that the existence of a public opinion against the Confederacy on account of the slavery question would embarrass the governments in dealing with the question of recognition. As neither England nor France would hold official intercourse with the commissioners, Mr. Yancey soon grew impatient and resigned, but was requested to remain in Europe until the arrival of additional commissioners. On Aug. 29, 1861, President Davis had appointed James M. Mason, of Virginia, as special commissioner to England, and John Slidell of Louisiana, as special commissioner to France. Later Mr. Mann was commissioned to Belgium, and Mr. Rost to Spain, but the latter soon resigned on account of discouragement and bad health.

The Trent Affair.

Mason and Slidell ran the blockade at Charleston Oct. 12, 1861, and proceeded to Havana, whence they

sailed November 7 on the English mail steamer *Trent* for Southhampton. On the following day, when passing through the Bahama channel, the *Trent* was overhauled by the United States man-of-war *San Jacinto,* commanded by Captain Wilkes, and the Confederate commissioners, together with their secretaries, were forcibly removed despite the protests of the captain of the ship. They were taken to Fort Warren, in Boston harbor, and there placed in confinement. The act of Captain Wilkes met with almost universal approval at the North. He was officially commended by the secretary of the navy, fêted at Boston and New York, and voted a gold medal by the House of Representatives. Neither the President nor Mr. Seward appears to have realized at the time the full import of the act. As a matter of fact the *Trent* was engaged in a perfectly innocent voyage, that is, she was bound from one neutral port to another neutral port, and after searching her and ascertaining this fact, Captain Wilkes should have allowed her to proceed unmolested. The right of search is permitted for the purpose of enabling belligerents to stop trade in contraband and to prevent blockade-running. The removal of the Confederate commissioners was nothing more nor less than an exercise of the odious practice of impressment, against which the United States had gone to war with England in 1812.

On December 20, Lord Lyons made a formal demand on Mr. Seward for the surrender of the captives on the ground that they had been illegally removed from a British ship. The original instructions drawn up by Earl Russell were very peremptory in character, but were modified and greatly softened by Queen Victoria, who wished to avoid war with the United States. The American government was given seven days to make a reply; if at

the end of that time the British demand was not complied with, Lord Lyons was instructed to leave Washington and repair immediately to London. At the same time England made extensive naval preparations and sent 8,000 troops to Canada. On December 26, Mr. Seward replied to the British demand. He argued the merits of the case at length, contending that Mason and Slidell and their secretaries might properly be considered as contraband, or as analogues of contraband, but as there was no clearly recognized judicial procedure for such a case in international law, it was deemed best to surrender them. Mr. Seward congratulated himself that in surrendering the prisoners he was defending "an old, honored, and cherished American cause." The Confederates, who had followed the controversy with great interest, hoping that it would lead to a rupture between England and the United States and hasten recognition, were greatly disappointed at the outcome.

Attitude of England and France.

Commissioners Mason and Slidell were taken from Fort Warren Jan. 1, 1862, and transferred to a British man-of-war, which after a stormy voyage landed them at the Bermudas. They reached England on the 29th, and were cordially received by the friends of the Confederacy, among whom were Messrs. Lindsay, Gregory, Roebuck, and other members of Parliament. The great majority of the upper classes, including many of the nobility, were strongly in sympathy with the South, and as the stock of cotton diminished and the distress of the factory operatives in Lancashire increased, the British ministry was urged by the friends of the South to offer mediation, and, in case of its rejection by the North to follow it up by recognition of the independence of the Confederacy, and the breaking of the blockade.

Lord Russell refused to receive Mr. Mason officially, but granted him an unofficial interview at his house Feb. 10, 1862. Having been cautioned by members of Parliament that the government was a little sensitive on the question of the cotton famine, Mr. Mason omitted that topic and confined himself largely to a discussion of recognition and the blockade. In reporting to his government the result of his interview with Lord Russell, he said: "On the whole, it was manifest enough that his personal sympathies were not with us, and his policy, inaction." The interview was followed by a number of communications from Mr. Mason on the subject of the blockade, inclosing lists of vessels entering and clearing from Cuban ports engaged in commerce with the Confederate states. He argued from these facts that the blockade was not effective, and therefore in violation of the fourth article of the Declaration of Paris, which at the request of England and France both belligerents had agreed, at the commencement of the war, to observe. Lord Russell merely acknowledged the receipt of the information.

On April 11, Mr. Lindsay, M. P. for Liverpool, and one of the largest shipowners in England, had an interview with the French emperor in the interests of the Confederacy, in which he discussed the blockade. The Emperor agreed with him that it was not effective and said that he would long since have taken the necessary steps to put an end to it, but that he could not obtain the concurrence of the British ministry, and that he was unwilling to act alone. He declared that he was prepared to send a formidable fleet to the mouth of the Mississippi if England would send an equal force; that they would demand free ingress and egress for their merchant vessels with their cargoes of goods and supplies of cotton, which were essential to the world. He authorized

Mr. Lindsay to make his views known to the British ministry. Lord Russell refused to receive this communication through Mr. Lindsay, on the ground that he could not communicate with a foreign power except through the regular diplomatic channels. In a second interview with Mr. Lindsay on April 18 the Emperor complained that Lord Russell had sent his previous proposition in regard to joint action on the blockade to Lord Lyons and that the latter had communicated it to Mr. Seward; that for this reason he was unwilling to communicate officially with the British ministry again until he knew that England was in accord with him.

In July, 1862, Mr. Slidell had an unofficial interview with the French emperor, which encouraged him to send a formal note to the foreign secretary asking for recognition, and he requested Mr. Mason to make simultaneously a like demand on the British government. In accordance with this suggestion Mr. Mason addressed a formal note to Lord Russell, July 24, and at the same time requested a personal interview. The interview was declined, and in answer to the demand for recognition Lord Russell said that in view of the capture of New Orleans and the advance of the Federals up the Mississippi, her majesty's government was still determined to wait. When this correspondence was received by Mr. Benjamin, the Confederate secretary of state, he instructed Mr. Mason to continue in London, but to refrain from further communication with Lord Russell until he himself should invite correspondence, unless some important change in British policy should occur.

The Crisis.

Pope's defeat at Bull Run August 30, and Lee's advance into Maryland again drew the attention of the British ministry to the subject of recognition

JUDAH P. BENJAMIN.

and led to a very interesting correspondence between Lords Palmerston and Russell. On September 14 the prime minister wrote that the Federals "got a very complete smashing," and if Washington or Baltimore should fall into the hands of the Confederates, he asked whether England and France should not "address the contending parties and recommend an arrangement upon the basis of separation?" Lord Russell replied: "I agree with you that the time has come for offering mediation to the United States government with a view to the recognition of the independence of the Confederates. I agree further, that, in case of failure, we ought ourselves to recognize the Southern states as an independent state." Palmerston decided to await the outcome of the Antietam campaign, but that still left matters in doubt and caused further delay. On October 7, Gladstone, who was chancellor of the exchequer, made a speech at Newcastle, which attracted great attention. In it he said: "There is no doubt that Jefferson Davis and other leaders of the South have made an army; they are making, it appears, a navy; and they have made, what is more than either—they have made a nation. . . . We may anticipate with certainty the success of the Southern states so far as their separation from the North is concerned." Coming from a prominent member of the cabinet, the natural construction put upon this speech was that the British ministry had decided to recognize the Confederacy.

Mr. Slidell had an interview with the Emperor at St. Cloud October 22 and urged him to break the blockade. Napoleon expressed sympathy with the Confederacy, but said that England might embroil him with the United States if he acted alone, and that he preferred to propose an armistice of six months with the blockade removed. A week later

he formally proposed to England and Russia that the three governments "exert their influence at Washington, as well as with the Confederates, to obtain an armistice for six months." Both governments declined to act on this suggestion, Russia through fear of offending the Federal government, with which she had always been on friendly terms, and England for the reason that there was no ground to hope that mediation would be accepted by the North, and that a refusal at that time would prevent any speedy renewal of the offer. When the American minister at Paris made inquiries of the British ambassador in regard to this proposal, the latter denied that any such proposal had been made by the Emperor. Mr. Slidell spoke to the Emperor about this denial. He replied, smiling, that in diplomacy nothing existed unless formally written. Two months later, after the crushing defeat of the Federals at Fredericksburg, the French emperor made an offer of mediation in courteous terms through his representative at Washington. The offer was politely declined by Mr. Seward, and Napoleon was afraid to go any farther without the coöperation of England.

In the meantime President Lincoln had issued his proclamation of emancipation. The preliminary proclamation of Sept. 22, 1862, produced very little impression in England and called forth a good deal of ridicule from the friends of the South, who characterized it as a bid for the sympathy of the laboring classes abroad. But the final measure of Jan. 1, 1863, convinced the world that the North was committed to the cause of abolition. The workingmen, who had suffered untold hardships from the cotton famine and who in the earlier stages of the war had felt very little sympathy for the North, were now stirred to the depths and thronged the meetings that

were everywhere held for the purpose of endorsing the new policy of President Lincoln. These demonstrations strengthened the hands of the members of parliament and the cabinet who opposed the recognition of the South.

The issue was finally drawn on June 30, 1863, when Mr. Roebuck, taking advantage of the opportunity afforded by Lee's invasion of Pennsylvania, introduced in the House of Commons a resolution looking to the coöperation of the great powers in the recognition of the Confederacy. The debate on the motion continued until July 13, when the mover of the resolution, convinced that a majority of the House was against the motion, withdrew it from further consideration. A few days later came the news of the fall of Vicksburg and the defeat of Lee at Gettysburg. The crisis had passed. Acting under instructions from his government, Mr. Mason soon terminated his mission in London and withdrew to Paris to wait for something to turn up.

Napoleon's Mexican venture undoubtedly furnishes the secret of his friendly feeling for the Confederacy. The success of his scheme to erect a throne for Maximilian of Austria in Mexico and to establish French influence once more on the western continent, was deliberately calculated on the overthrow of the American Union. The Confederate government quickly caught at the suggestion of an alliance between Maximilian and the South with the power of France to back it, but Napoleon was afraid of the American navy and did not care to go the full length of recognizing the Confederacy as an independent power without the coöperation of England. His designs on Mexico, however, made England very cautious about entering into any agreement with him. When the crisis came in 1863 Napoleon had just authorized the building of a Confederate navy

in France, provided the destination of the ships could be kept secret. A number of ships were actually in process of construction, but in the fall of 1863 the Emperor became frightened and withdrew his sanction of the scheme. Only one of the vessels—the *Stonewall*—was ever delivered to the Confederates.

England had allowed the steamships *Florida* and *Alabama* to leave her ports in 1862 in spite of almost overwhelming evidence that they were intended for the Confederate government. They destroyed ships and cargoes to the value of many millions and almost drove Federal commerce from the seas. In the fall of 1863 Mr. Adams called Lord Russell's attention to two ironclads on the docks at Birkenhead, which were being built, under a disguise, for the Confederacy. After some delay the British government ordered their detention. These were formidable vessels, and Captain Bulloch, who contracted for their construction, was convinced that they could break the blockade at Charleston and Wilmington. Their detention was a serious blow to the Confederacy, and there remained little hope of securing any more ships abroad.

The Last Effort.

In the fall of 1864 Mr. Benjamin informed President Davis that future negotiations with the European powers must be on the basis of emancipation and government seizure of cotton, with which to purchase ships to break the blockade. Davis hesitated to act in a matter so clearly extra-constitutional, but Mr. Benjamin justified his proposition as a war measure. He believed that by emancipation and a promise to ship cotton the recognition of France and perhaps of England might yet be obtained. With

reluctance President Davis finally agreed to the plan, hoping after a diplomatic triumph to carry the people with him.

For obvious reasons it was not deemed expedient to act through Mason and Slidell alone. They had been sent to Europe to act along totally different lines, and could hardly be expected after so long an absence from the country to appreciate the necessity which changed conditions rendered inexorable. Then, too, their pro-slavery views were so pronounced that they might not be willing to advocate the new policy with any genuine enthusiasm. These considerations, together with the fact that communication through the blockade was now too difficult to permit of free correspondence between the Confederate government and its agents abroad, led Mr. Benjamin to propose that one man of recognized ability and prominence be sent to Europe with full authority to act independently or even to dismiss other diplomatic agents. For this important mission the President selected Duncan F. Kenner, of Louisiana, one of the largest slaveholders in the South, who had been educated in Europe and spoke French fluently, and who was at this time chairman of the ways and means committee of the Confederate house of representatives.

It was of the utmost importance that the nature of Kenner's mission should be kept secret, and therefore the Confederate Congress was not consulted and the new move was made solely on the authority of the President. Kenner was clothed with full powers to make treaties with the governments of Europe binding the Confederate states to the adoption of a system of gradual emancipation and also to negotiate for the sale of cotton. In the dispatches which he bore to Mason and Slidell the true character of his mission was disguised under general terms. Mr.

Benjamin said: "If there be objections not made known to us, which have for four years prevented the recognition of our independence notwithstanding the demonstration of our right to assert, and our ability to maintain it, justice equally demands that an opportunity be afforded us for meeting and overcoming those objections, if in our power to do so." He then instructed Mason and Slidell to consider any communication which Kenner might make verbally "on the subject embraced in this dispatch as emanating from this department under the instructions of the President."

Mr. Kenner was delayed in finding a safe way of getting out through the blockade. After trying Wilmington, N. C., he boldly went to New York in disguise, where he had been well known in racing circles prior to the war, and through the aid of a friend in that city secured passage on a ship for England. He arrived in London the latter part of February, 1865, and learning that Mr. Mason was in Paris proceeded at once to that city. Having arranged a conference with Mason and Slidell, he found with them W. W. Corcoran, but being informed that he was in their confidence, he stated at length the character of his mission. Both Mason and Slidell were greatly astonished at his instructions, and Mason was disinclined at first to coöperate, but finally did so when informed as to the full extent of Kenner's powers. Mason shortly afterwards started for London, while Slidell sought an interview with the emperor. Napoleon still insisted that he was willing and anxious to act with England, but would not move without her. When the emancipation question was laid before him he said that "he had never taken that into consideration; that it had not and could not have any influence on his action; but that it

had probably been differently considered by England."

In an interview with Lord Palmerston at his house Mar. 14, 1865, Mr. Mason endeavored to sound him as to what the attitude of England would be toward Mr. Benjamin's proposition. "I returned again and again," he says, "during the conversation to this point, and in language so direct that it was impossible to be misunderstood, but I made no distinct proposal, in terms, of what was held in reserve under the private note borne by Mr. Kenner. Lord Palmerston listened with interest and attention while I unfolded fully the purpose of the dispatch and of my interview. In reply he at once assured me that the objections entertained by his government were those which had been avowed by him and Lord Russell from the first, and that there was nothing underlying them."

The move came too late. Sherman's march through Georgia and into the Carolinas had destroyed all confidence in the success of the Confederacy. In sending Kenner to Europe Benjamin was grasping at a straw. The failure of his mission was followed shortly by the news of Lee's surrender and Lincoln's assassination. The South had overestimated the potency of cotton and staked too much on European intervention. The blockade was the determining factor in the struggle. When General Lee surrendered there were enough able-bodied men in the South to have defied the North to the end of time, could they but have secured from Europe the supplies they needed.

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CHAPTER IV.

WHY THE SOUTHERN CONFEDERACY FAILED.

IF called upon to give in a single sentence the cause of the failure of the Confederates to succeed in their great struggle for constitutional freedom, I would quote from General Lee's valedictory address to the remnant of his army at Appomattox. He says:

"After four years of arduous service, marked by unsurpassed courage and fortitude, the army of northern Virginia has been compelled to yield to overwhelming numbers and resources. I need not tell the brave survivors of so many hard-fought battles, who have remained steadfast to the last, that I have consented to this result from no distrust of them, but feeling that valor and devotion could accomplish nothing that would compensate for the loss that would have attended the continuance of the contest, I determined to avoid the useless sacrifice of those whose past services have endeared them to their countrymen."

This sentence of the great chieftain might be applied to all of the armies of the Confederacy, and to the Confederate government. They made a struggle which astonished the world, and gained victories which illustrated brightest pages of the annals of history, but were finally "obliged to yield to overwhelming numbers and resources."

Comparative Resources of North and South.

We know not how better to state the comparative preparation of each section for the war than to quote from an article of Benjamin J. Williams, Esq., of Massachusetts, published in the Lowell *Sun* some years after the war:

"The odds in numbers and means in favor of the North were tremendous. Her white population of nearly 20,000,000 was fourfold that of the strictly Confederate territory; and from the border Southern states and communities of Missouri, Kentucky, East Tennessee, West Virginia Maryland and Delaware, she got more men and supplies for her armies than the Confederacy got for hers. Kentucky alone furnished as many men to the Northern armies as Massachusetts. In available money and credit the advantage of the North was vastly greater than in population, as it included all the chief centres of banking and commerce. Then she had possession of the old government, its capital, its army and navy, and mostly its arsenals, dock-yards and workshops, with all their supplies of arms and ordnance, and military and naval stores of every kind and the means of manufacturing the same. Again, the North, as a manufacturing and mechanical people, abounded in factories and workshops of every kind, immediately available for the manufacture of every kind of supplies for the army and navy; while the South, as an agricultural people, were almost entirely wanting in such resources. Finally, in the possession of the recognized government, the North was in full and free communication with all nations, and had full opportunity, which she improved to the utmost, to import and bring in from abroad not only supplies of all kinds, but men as well for her service; while the South, without a recognized government, and with her ports speedily blockaded by the Federal navy, was almost entirely shut up within herself and her own limited resources."

Unquestioned official figures show that the Federal government enlisted during the war 2,326,168 men, while the Confederacy enlisted only *600,000, making the Federal numerical superiority 1,726,168.

The United States army was made up, in part, of

*Dr. Joseph Jones, the first Secretary of the Southern Historical Society, in a letter to General S. Cooper, Adjutant General of the Confederacy, puts the number at 600,000, and General Cooper endorses it. See their correspondence in the *Southern Historical Society Papers*, Vol. 7, Pages 287 to 290. The same figures are given by Alexander H. Stephens in his *War between the States*, and by President Davis in his *Rise and Fall of the Confederacy*. They are also given by General Early in his reply to Badeau. (*G. H. S. Papers*, Vol. 2: Page 6.) Colonel Fox, of the U. S. Army, in his carefully prepared book on *Relative Numbers* gives the total of the Confederate force at "about 600,000." *The New York World Almanac* of 1904, page 294, gives the Confederate numbers at about 600,000. See also page 303 where the troops from each state are given. I consider these authorities more important and more reliable than Colonel Livermore's elaborate statement in his book on *Numbers and Losses in the Civil War*, or than General Gates P. Thruston's estimate in his address before the Army of the Cumberland. (*Proceedings of the Army of the Cumberland, page* 78.)

Germans, 176,800; Irish, 144,200; British-Americans, 53,500; English, 45,500; other foreigners, 74,900; Negroes, 186,017; total, 680,917; or an excess of 80,917 of the total enlistment in Confederate armies.*

There were Southern men in the Federal armies, including those from Maryland, Kentucky and Missouri, 316,424. Adding to these the foreigners and negroes, and they make 997,341, or 397,341 more men than were enlisted in the Confederate armies.

There were in the Federal armies of soldiers enlisted from Northern states 1,325,297, or more than twice as many as the enlistments in the Confederate armies. Is it any wonder that with such "overwhelming numbers and resources" against them that the Confederacy was at last forced to yield?†

Southern Lethargy and Northern Activity.

We may mention, however, several occasions when the Confederacy was within a stone's throw of independence.

After the first battle of Manassas (July 21, 1861), when the Federal army was so badly beaten that it fled in complete panic, if the Confederates had pursued they could have captured Washington and established the independence of the Confederacy. President Davis, who arrived on the field at the close of the battle, issued an order for immediate and vigorous pursuit, but at the earnest entreaty of Beauregard and Johnston, who pleaded lack of transportation and of fresh troops, Mr. Davis was persuaded to withdraw his order.

Stonewall Jackson, and his subordinates generally, were warmly in favor of an advance, and after

*See publications of Captain C. F. Lee, who compiled the Federal reports.

†These figures are correctly given from Federal official reports; General S. Cooper, Adj.-General Confederate States; an article by General J. A. Early, in *Southern Historical Papers* (Vol. II., p. 6); Col. Walter H. Taylor's *Four Years with Lee*; Cassius F. Lee's *Relative Numbers in the War*, and other authorities.

developments plainly showed that the Confederates could easily have captured Washington had they undertaken it, as the Federal army was in no condition to resist a further advance.

Then followed a period of lethargy on the part of the Confederates, who really thought that the war was over and their independence assured.

The Federals, on the other hand, made the most vigorous preparations, recruiting their armies and collecting vast stores of supplies of every description, so that when the campaign of 1862 opened, their "numbers and resources" were more "overwhelming" than before. Congress voted 500,000 men and $500,000,000 to carry on the war, the Confederate ports were blockaded, several important places on the coast were captured—Norfolk and Portsmouth among them falling into Federal hands, and the Confederates were obliged to destroy their ironclad *Virginia* (*Merrimac*), which had won so signal a victory in Hampton Roads.

In the West, Grant had captured forts Henry and Donelson, and Albert Sidney Johnston had been compelled to evacuate Tennessee. New Orleans had fallen, and the outlook for the Confederates seemed dark, indeed.

The gloom was brightened by that characteristic dispatch of Stonewall Jackson, "God blessed us with victory at McDowell yesterday," and there followed in quick succession Jackson's brilliant Valley campaign, which closed with his victories at Cross Keys and Port Republic. Gen. Albert Sidney Johnston's great victory over Grant at Shiloh, on April 6, put a new phase on operations in the West, but unfortunately in the hour of victory, when General Johnston was, in person, leading his army on the demoralized army of Grant, huddled on the river bank and with every prospect of destroying it, he

fell, pierced by a mortal wound. Beauregard, the second in command, was in the rear, sick in his ambulance, and not appreciating the situation, he ordered the army to fall back with the purpose of renewing the battle next morning. Buel largely reinforced Grant that night, and the next day Beauregard was compelled to fall back to Corinth. It is not extravagant to say that had not Albert Sidney Johnston fallen, and had he carried out his purpose of continuing his advance, Grant's army would have been captured or annihilated, and the whole aspect of affairs in that section changed. Indeed, had not the Confederacy been deprived of the able leadership of Johnston, it is extremely probable that with this great general in the West and Robert E. Lee in the East, the campaign of '62 would have resulted in the establishment of the independence of the Confederacy.

Lee's Campaign Against McClellan.

The campaign of General Lee (who was put in command of the Army of Northern Virginia after Gen. Joseph E. Johnston was wounded at Seven Pines, May 31) was a brilliantly successful one. He at once determined to attack McClellan who, with 107,000 men, was strongly fortified in sight of the spires of Richmond.

Drawing all of the reinforcements that he could, calling Jackson from the Valley, who made his movement so secretly that the enemy at Strausburg were fortifying against an expected attack from him when he was thundering on McClellan's flank 300 miles away, General Lee had 78,000 men with which to attack the 107,000 of the enemy strongly fortified in strong positions.*

*See *Four Years with Lee*, by Colonel Walter H. Taylor, Lee's Adjutant General. I heard General Lee say that in the seven days' fight around Richmond, "I had less than 80,000 men." Surely he should know.

Sending J. E. B. Stuart to make his famous "Ride around McClellan" and obtain important information, which enabled him to attack the enemy in flank, win great victories at Mechanicsville, Gaines' Mill and Cold Harbor, Savage Station, White Oak Swamp and Frazier's Farm, and after McClellan's brave stand at Malvern Hill to save his army, he drove him to the cover of his gunboats at Harrison's Landing. Lee's plan was to throw a heavy column on the line of McClellan's retreat, and if his orders had not been disobeyed by a subordinate, this would have been done, and the Federal army would have been compelled to surrender, or been annihilated. This would probably have closed the war in favor of the Confederates.

Lee's Campaign Against Pope.

In the brilliant campaign against John Pope, terminating in the great victory of second Manassas and sending the braggart Pope to the West to look after Indians during the remainder of the war, General Lee won success which ought to have captured Washington and closed the contest, but McClellan came up with his troops from before Richmond, and made the Federal army to greatly outnumber the Confederate forces. It was impracticable for Lee to force the heavy fortifications in front of Washington, and so he captured Harper's Ferry with 11,500 prisoners, 13,000 small arms, seventy-three pieces of artillery, and immense stores of every description, and then at Sharpsburg (Antietam) with 33,000 men successfully defeated McClellan's attack with 87,000, waited twenty-four hours for another attack, and learning that McClellan was being largely reinforced, he recrossed the Potomac without loss, and defeated every attempt to follow him.

When at last McClellan crossed the Potomac on the east side of the mountains and concentrated his army about Warrenton, he was removed from command because he did not "vigorously pursue the beaten army of Lee."

Gen. A. E. Burnside was put in command of the Federal army, changed McClellan's plan of campaign, and received at Fredericksburg, on December 13, one of the bloodiest defeats of the war.

Burnside was replaced by Hooker, who was so badly defeated at Chancellorsville, May 2--4, 1863, that he was replaced by Gen. George Meade, the ablest commander the army of the Potomac ever had.

The Gettysburg Campaign.

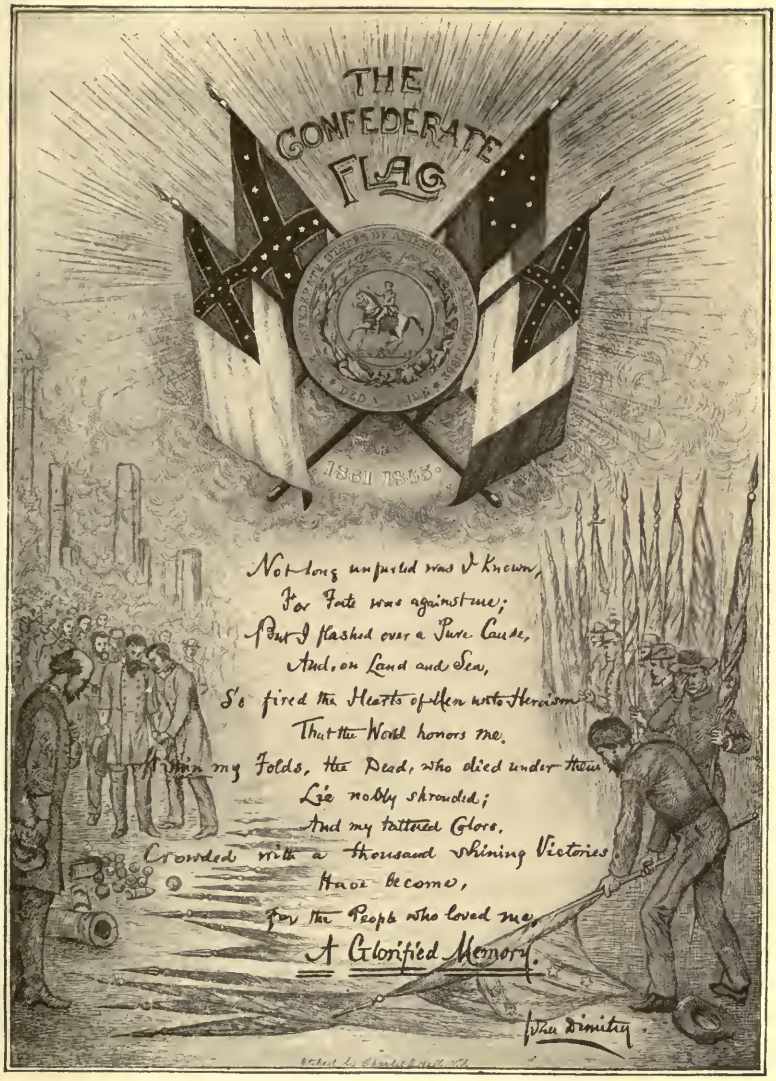
Then followed the Gettysburg campaign, where, on July 1--3, one of the greatest battles of history was fought. On the first day Lee gained a decided victory. On the second day he achieved success, and on the third day he received a bloody repulse.

The writer heard General Lee say one day in Lexington, "If I had had Stonewall Jackson at Gettysburg I would have won that battle, and a victory there would have given us Washington and Baltimore, if not Philadelphia, and would have established the independence of the country." There can be no doubt of this, and the proof is overwhelming that Lee lost the battle by the disobedience of his orders on the second and third day by General Longstreet, his second in command.*

Recognition by England Refused.

I published some years ago in the Southern Historical Society papers, a letter from a member of the

*This whole question has been discussed by General Early, General Fitzhugh Lee, Colonel William Allen, Colonel Walter Taylor and other Confederate leaders in the papers of the Southern Historical Society, and no unbiased person can read their statements without concluding that it was true. There is authority for stating that General Robert Lee died in the belief that he lost the fight through General Longstreet's disobedience of orders.


THE
CONFEDERATE
FLAG
1861 1865
Not long unfurled was I known,
For Fate was against me;
But I flashed over a Pure Cause,
And, on Land and Sea,
So fired the Hearts of Men with Heroism
That the World honors me.
Within my Folds, the Dead, who died under them,
Lie nobly shrouded;
And my tattered Colors,
Crowded with a thousand shining Victories,
Have become,
For the People who loved me,
A Glorified Memory.

THE CONFEDERATE FLAG.

English Parliament in which he said that in June, 1863, Disraeli came to him and said that the time had come when England should recognize the Southern Confederacy, and that he thought the move should come from the government, he proposed to make the motion himself. He asked this gentleman, who was known as heartily to favor the Confederacy, to give him a brief of the extent of the territory, population, productions, etc., of the Confederacy, the victories she had won, etc., from which he could prepare his speech, advocating recognition. The gentleman did this and Disraeli told him afterwards that he had prepared his speech, and had fixed the 6th of July as the day on which he would make it.

But, unfortunately, just before that date the news went to England that Vicksburg had surrendered and Lee had been defeated at Gettysburg, and Disraeli determined not to make his motion. Who doubts that a great victory at Gettysburg and the recognition of the Confederacy by England would have resulted in the complete success of the Confederate struggle for independence?

I give one other instance where the Confederacy was within a stone's throw of independence.

The great campaign of 1864 had been fought. Grant with an army of 275,000 (including all reinforcements received) had fought Lee (whose whole force, including every man he could draw, amounted to only 75,000) from the Rapidan to before Richmond, being outgeneraled and defeated by Lee at every point. On June 3 he determined to break through Lee's lines and capture Richmond, but received one of the severest repulses of the war, losing 13,500 men where the Confederates only lost 750. Grant ordered another attack, but his men stood still in the lines and refused to obey orders. As Swinton in his *Army of the Potomac* expressed it, "The

immovable lines pronounced a verdict, silent but emphatic, against further slaughter." Grant had lost over 70,000 men in the campaign, and it had proven a magnificent failure.

We have it upon good authority that President Lincoln was so discouraged by this result that he thought that the time had come for negotiation with "The Rebels," and that Secretary Seward actually had under consideration the issuing of a proclamation to prepare the Northern people for this result, but news came of Federal success in other sections, and the proclamation was never issued.*

The failure of the Confederacy, under such adverse circumstances, brought defeat without dishonor; disaster and disappointment without shame; submission to the force of arms and reëntrance into the Union without surrendering the morality and righteousness of the contention of the Southern states. It was the "failure" of American freemen which the future historian will recognize as one of the most heroic struggles for constitutional independence ever made by man.

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*This statement was made by General Hancock to General Heth, who gave it to the writer. Some hint of this is found in Swinton's *Army of the Potomac.*

PART VI.

THE SOUTH IN NATIONAL POLITICS, 1865-1909.

Chapter I.

THE POLITICAL EFFECTS OF THE WAR.

Readjustment of Political Theories.

Elimination of the Doctrine of Secession.—A great deal of cant and not a little nonsense have been indulged in by historians and publicists in discussing the secession. Whether as a political dogma or a concrete expression of a theoretical right, it has been sought to inject into the discussion a moral question which is wholly irrelevant. Whether the right of secession really existed, as the ultimate expression of the reserved rights of a state, or whether such right did not so exist, are two sides of a political controversy which might be discussed to the end of time without result. There is no court of last resort in which an historically mooted question of abstract political theory may be determined. And the arbitrament of war can decide only the question of power to make good the assertion of a right. It is wholly without bearing on the political or historical merits of the controversy which it terminates by force of arms. No more absurd proposition can be advanced than that so frequently stated, that the result of the War of Secession decided the

fallacy of the Southern position on the question of secession. It would be as reasonable to say that the result of a duel in which the determining factor was superiority of marksmanship had determined the merits of the controversy between the parties.

In one of his few historically quotable statements, Henry Cabot Lodge says: "When the constitution was adopted by the votes of states at Philadelphia, and accepted by the votes of states in popular convention, it is safe to say that there was not a man in the country, from Washington and Hamilton on the one side, to George Clinton and George Mason on the other, who regarded the new system as anything but an experiment entered upon by the states and from which each and every state had the right peaceably to withdraw, a right which was very likely to be exercised."* The mere fact that in the controversy which subsequently arose more people came to hold a contrary view as to such right of withdrawal than held to the original view, argues nothing as to the right itself. It either did or did not exist, and over the proposition an indefinite argument may be carried on. If it existed in 1789, it existed in 1804, and in 1812, and in 1830 and in 1861. If it did not exist when the compact was entered into, no change of time or circumstance could call it into exitsence thereafter. It is idle to say that the way people "had come to look at the constitution" in 1861 was conclusive of the final rights of a state under that instrument at that time.

But while the war could not be conclusive of the question of right, it not only could but did determine the matter of the practical exercise of the right. Whatever differences of opinion existed in the South in 1861, either as to the right of secession or as to the wisdom of asserting the right, were buried in the

*Daniel Webster, 1899, p. 172.

practical unanimity of support given the action when once it was taken. So with the failure of the attempt to give practical expression to the theoretical dogma. When the supreme effort of arms had ended in defeat there were few men who did not at once accept the verdict as a removal for all time of the question of secession from both the field of polemics and that of action. Fortunately for the country, there was nothing inconsistent between a conviction of their right to make the effort to withdraw from the Union, and their full acceptance of the fact that by the fortunes of war it had been determined that the exercise of the right was no longer a practical possibility. There could have been nothing more unhealthy or dangerous to the future of the country than to have had in the Southern states a mass of people servilely willing to regard the outcome of the war as a demonstration of the inherent unrighteousness of their conduct, glad to fawn upon their successful opponents, and willing to accept and wear without a protest the degrading brand of treason. Men of such calibre could not have fought the war as it was fought on the Southern side, nor could they have lived through and triumphed over the events of the succeeding decade. Yet the one test of "patriotism" acceptable to the victors for a long time after the struggle was a confession of moral and political sin in trying to "dismember the Union."

It was natural, feeling as the Southern people did, that the post bellum elimination of the doctrine of secession from the Southern political creed should be accompanied by no stultifying declarations as to the morality of the doctrine itself. Not one of the lately seceding states refused to admit that secession as a state remedy for interstate grievance was dead; but not one confessed to any political wrongdoing

in having attempted to resort to it. This statement of course is meant to apply only to the action of the people who constituted the states as they existed when the seceding step was taken. For the declarations of the adventitious and irresponsible bodies which assembled in Arkansas, Louisiana, and Virginia during the war, and in all the Southern states after its close, the Southern people are not called upon to answer.

The specific terms which recorded the death of secession as a political doctrine did not vary greatly in the several states. The purpose in each was to declare invalid the ordinance of secession, and it was usually expressed in a simple statement that such ordinance was "null and void." The conventions of Georgia and South Carolina "repealed" the ordinances of those states. Arkansas was one of the states which Mr. Lincoln hoped to "reconstruct" during the progress of the war. The so-called constitutional convention held in that state in 1864 declared that the entire action of the secession convention of 1861 "was, and is, null and void, and is not now, and never has been, binding and obligatory upon the people." The first section of the reconstruction constitution of 1868 consisted of a lengthy statement as to the paramount allegiance of the citizen to the Federal government, and the non-existence in any state of the "power" to dissolve connection therewith. The Louisiana constitution of 1864, framed under the auspices of General Banks, as the representative of Mr. Lincoln, seems to have ignored the question of secession, while that of 1868 was content to declare that the allegiance of citizens of Louisiana to the United States was paramount to that due the state.

Tennessee was readmitted to the Union by an act of Congress which recognized certain constitutional

amendments which were framed by a convention at Nashville in January, 1865. One of these amendments declared the ordinance of secession to have been "an act of treason and usurpation, unconstitutional, null, and void." This somewhat superlatively positive characterization was ratified at a farcical election by the handsome majority of 21,104 to 40. It was this which Congress described in the Tennessee readmitting act as "a large popular vote." The several conventions which were held in Virginia, from that at Wheeling, in 1861, to the one at Alexandria, in 1864, did not disturb themselves with the question of secession. The reconstruction constitution which was framed at a convention held in Richmond in 1867, and ratified, with certain amendments, in 1869, contained this provision in its bill of rights: "That this state shall ever remain a member of the United States of America, and that the people thereof are part of the American nation, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said nation, are unauthorized and ought to be resisted with the whole power of the state." This looked to the future, instead of the past, but it was sufficient for its purpose.

Overthrow of the Institution of Slavery.—The passing of the institution of slavery from the field of living issues did not differ essentially in its process from the disappearance of secession. A great deal of nonsense has also been written about the emancipation proclamation. That document was wholly without efficacy as a means of destroying slavery. It was so much worthless paper, without the successful issue of war to give it substance and effect. The best and most concise summing up of the destruction of slavery was that by Judge Sharkey, of Mississippi, Andrew Johnson's provisional

governor of that state. He declared that slavery was dead "by the fortunes of war," and that was the beginning and the end of the whole matter. If the war had ended in a Southern victory, Lincoln's proclamation would not have freed a single slave in the Southern states. On the other hand, slavery had come to be universally regarded as the real issue of the war, and with the victory of the Northern armies slavery was inevitably dead, regardless of a proclamation to that effect. No people realized and accepted this more clearly than the owners of the slaves themselves.

A great deal has been made of the alleged opposition of some Southern states to the formal recognition of the death of slavery as provided in the Thirteenth amendment. This is superficial. Each one of these states embodied in its first constitution, before the advent of the carpet-bagger, a provision declaring that slavery had been destroyed. There was no opposition to the ratification of the Thirteenth amendment, as far as it affected slavery. Such objection as was manifested was addressed solely to the enforcing section of the amendment. It was felt, and in some cases argued, notably so in the report of the Mississippi legislative committee, that under that section Congress would have power to legislate on the political rights of the former slaves. On this ground alone, Mississippi refused ratification. Alabama and Florida coupled with their ratification a proviso which attempted to guard against such congressional action, while South Carolina added a resolution to the effect that any attempt by Congress to legislate upon the civil or political status of former slaves would be in conflict with the declared policy of the President and with the restoration of sectional harmony.

From the date of the promulgation of the amend-

ment there was entire and matter of fact acquiescence in its abolition provision. It was recognized throughout the Southern states that the amendment did no more than the people of those states had themselves already done in their own constitutions. Slavery and secession were both "dead by the fortunes of war," and there was neither desire nor purpose in the South to resurrect either.

II. Readjustment of Political Rights.

The War Amendments.—An analysis of the bills and resolutions introduced in Congress from its thirty-seventh organization to the final compromise on the Fifteenth amendment resolution in 1869, is an interesting study of the genesis of the war amendments and of reconstruction legislation. There is not a provision of the ultimately formulated and expressed policy of the government toward the inhabitants, white and black, of the seceded states, which is not either foreshadowed or clearly avowed in the proposed legislation of the earliest period of the war. Much of this was not enacted. Some of it did not pass the stage of reference to committee. But part of it passed, either in the shape of declaratory resolutions or in that of actual legislation. Taken in its entirety it discloses the whole program of post bellum action.

From the first outbreak of hostilities there were men in Congress perfectly willing to go to the extreme limit of confiscatory or punitive legislation. Only the progress of war and the gradual shifting of public opinion were necessary to build up the congressional majority which finally found itself prepared to take steps which had in fact been urged almost from the beginning. The war amendments were no more the result of the deliberations of respective committees at the time each was reported

than was the original constitution the mere product of novel ideas and theories suggested for the first time in the convention of 1787. Each of the three amendments was a growth, and represented the embodied accumulation of changes which had been so often proposed that they came at last to be accepted. The emancipation of slaves by forfeiture as a penalty for use against the government, in the Trumbull act of 1861, was a foundation stone of the Thirteenth amendment. The ice had to be broken and the first step taken. Having carried that suggestion to a successful issue, nothing was more natural than that its author should follow it a few months later with a bill to emancipate, not all slaves used by "rebels," as in the first act, and not all slaves, as in the last chapter, but all slaves who were the property of "rebels." Congress was not quite ready for this step, and it was not taken. The emancipation proclamation itself was preceded eight months by a proposal in Congress to authorize the very thing which Mr. Lincoln finally obtained his own consent to do. The original suggestion attracted little attention, although an examination shows a marked similarity of thought, and even of language, between the two. Just four months after Lincoln's inauguration, with its accompanying anti-interference declarations, Pomeroy, of Kansas, introduced in the Senate a bill which proposed absolute emancipation, provided for an emancipation proclamation and authorized the use of negroes in the army. It furthermore contained as its keynote the "republican form of government" shibboleth which subsequently became the cornerstone of the whole reconstruction superstructure.

What was true of the origin and gradual growth of the ideas, sentiments and opinions which were finally wrought into concrete form in the Thirteenth

amendment, is true also of the development of the Fourteenth. It is not possible to draw a line and declare that here was initiated a political theory or movement, but it is sometimes not difficult to trace the origin of a specific concrete action. We know, for example, that the third section of the Fourteenth amendment was punitive in purpose and operation. It was a very simple provision for excluding from office certain designated classes of individuals. The resolution which became the Fourteenth amendment was not passed until June, 1866, but its punitive section had been proposed in the Senate five years before, by Chandler, of Michigan,—probably as well qualified by natural bent for suggesting such measures as any man who ever sat in Congress, and it came up repeatedly thereafter, being proposed in various forms by Sumner, Sherman, Harris, Clark, and others. Long before the joint committee on reconstruction made its report, the adoption of such action in some form had become a familiar and an accepted idea.

Also with the much more important first section of the Fourteenth amendment. The government lived for three-quarters of a century without a definition of national citizenship. The framers of the constitution contented themselves with providing, in Article IV, that citizens of each state should be entitled to the privileges and immunities of citizens in the several states—but citizenship was of the state rather than of the nation. Freedom from the status of the slave did not mean elevation to the status of the citizen, and nothing was more unlikely than that the former slaveholding states would by voluntary action confer state citizenship upon their former slaves. In no state in the Union were negroes upon a footing of entire civil equality with the white population. It was a revolutionary change from such

a condition at the outbreak of the war to that of full and equal citizenship as a result of the conflict. Nothing short of war would have made it possible. But radical as the change was, when viewed as an accomplished fact, it was only another illustration of the gradual but steady operation of a policy of diminishing by congressional action the negro's civil disabilities and adding to his civil rights.

For example: The negro could not testify on an equal footing with white witnesses even in the District of Columbia. One of the first of the numerous congressional actions which stand out as stepping stones toward the goal of complete "equality before the law" for the American negro was in an amendment to the act abolishing slavery at the seat of government. In providing for the execution of this act of emancipation, approved by Mr. Lincoln in a special message in 1862, it was necessary to incorporate a provision to prevent the exclusion of the testimony of negroes "on account of color." Sumner was the author of this amendment, and it was he who led the struggle for the removal of all civil discriminations against the negro. Bill after bill was introduced by himself and others, all hammering constantly at the same object. The application of the same criminal laws to both races, and the abolition of the slave code; the right to take out patents without restriction of color; the removal of the same color restriction on the right to carry the mails; equality of footing as to pay and rations for military service; the right to ride in the street cars of the District of Columbia,—one by one these things were fought for, and in the main accomplished, until there was little left of discriminating laws applicable to any territory under the jurisdiction of Congress.

The civil rights bill of April 9, 1866, framed as an enforcing act for the Thirteenth amendment, con-

tained practically all that was incorporated in the first section of the Fourteenth. It was passed more than two years before the adoption of the Fourteenth amendment, yet it was radical enough to serve as an enforcing act for that amendment also. It verified every expression of fear of the power which could be exercised under the enforcing section of the Thirteenth amendment which caused the rejection of that article by the legislature of Mississippi, for reasons exhaustively and convincingly stated.

The fifth article of amendment to the constitution had already provided that no person should be deprived of life, liberty or property without due process of law. But this was operative against the general government only. There was little fear that Congress would take any backward step in the matter of restoring racial disqualifications which it had abrogated, much less take action violative of the spirit of the Fifth amendment. The object sought by the advocates of enlarged civil privileges for the negro was that of placing those privileges forever beyond the danger of state restriction. To so define American citizenship as to confer it beyond question upon the negro, and to so limit the powers of the states as to make it impossible for them to interfere with national citizenship, was in practical effect to extend to the negro in the states all the privileges and immunities which four years of legislation had sought to confer in the narrower territory under congressional control. This was the whole work of the first section of the Fourteenth amendment, in so far as the American negro was concerned. That section embodies the cumulative privileges which Sumner fought for. It is the charter of the negro's civil rights. Its first declaration is that "All persons born or naturalized in the United

States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." Thus is fixed the status of the negro as a citizen of his state and of the nation. The second declaration of the section is that "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." Armed with this, coupled with the enforcing section of the amendment, it was believed that the power of Congress was absolute in the matter of legislating for the protection of the "privileges and immunities" of the class of American citizens thus brought into being. And so it would have been, but for the intervention of the Supreme Court.

The last of the war amendments, important as it is, does not demand extended discussion. Like the Thirteenth, it is brief, simple in its terms, and explicit in its meaning. It does not say that a negro must be allowed to vote because he is a negro. It simply says that he cannot be prevented from voting on that account. The history of its genesis and development from an incipient suggestion to an accomplished fact, does not differ materially from that of the other two amendments. The idea of endowing the negro with the suffrage, by either direct or indirect action, followed naturally in the minds and efforts of those whose slogan was "equality before the law." As with emancipation, Washington was the scene of the experiment. There was some suggestion of it early in 1864, and the first bill on the calendar of each house in the Thirty-ninth Congress, Dec. 4, 1865, provided for negro suffrage in the District of Columbia. In January, 1867, a bill was finally passed

over Johnson's veto,—after a fight in which the opponents of the measure, including Johnson, held steadily to the opinion that negro suffrage in the District of Columbia was simply an entering wedge for its extension to the entire country,—that one must inevitably follow the other. Within two months after the overriding of Johnson's veto, the first military reconstruction bill was passed over a similar protest, and its cardinal feature was negro suffrage. The Fifteenth amendment resolution,—forced through Congress by a narrow margin in February, 1869, merely sought to give permanent effect in a wider field to a policy inaugurated four years before as a local measure.

Civil Rights in the South as Affected by the War.—The war amendments and reconstruction legislation affected permanently the civil rights of only one class of people in the South,—the negro. Even among the most radical of reconstruction leaders there were few who thought of punishing "rebellion" with the infliction of more than temporary civil disabilities. The Fourteenth amendment resolution reported by Stevens' committee provided for the exclusion from voting for representatives, or electors, of all persons who had "voluntarily adhered to the late insurrection." But the exclusion was to end on July 4, 1870. We have seen that this punitive idea of the deprivation of political or civil rights was inherent in the genesis of the Fourteenth amendment. The only question was as to the degree and duration of the punishment to be inflicted. Instead of accepting the reconstruction committee's recommendation of a basis of proscription broad enough to include every man in any way identified with the Confederate government or army, but so narrowed as to affect only participation in the choice of presidential electors and congressional represen-

tatives, and even then with a definite termination, a wholly different scheme was decided on. Instead of proscribing all classes of insurrectionists on a suffrage basis, the measure finally adopted applied only to such persons as had before the war held some official position, federal or state, and the proscription was against office holding rather than against voting for others for office. This disability did not expire of itself at a fixed time, but was removable in the discretion of Congress by a two-thirds vote of each house. Under the plan proposed by the committee the right to vote would have been confined until 1870 practically to the negro population of the South. In the light of what finally happened, even under the measures adopted, it is interesting to speculate upon what might have been the result of thus turning the South over wholly and absolutely to its recent slaves.

But if the punitive provision adopted was less drastic than that proposed, the difference amounted to no more than accomplishing the same end by congressional legislation rather than by a constitutional enactment. Reorganization on a basis of negro suffrage was what Stevens aimed at through a constitutional amendment, and reorganization on a basis of negro suffrage was what was actually accomplished. The military reconstruction act of March 2, 1867, interests us here only as it affected the political status of the two races at the South. With the iniquities whose perpetration it invited, as with the chaos it assured, we are not now concerned. It provided for the reorganization of the Southern states by the votes of male citizens "of whatever race, color or previous condition"—excepting only such white men as were excluded from office by the proposed Fourteenth amendment. But the disabilities imposed by Congress upon former Con-

federates were nothing like as severe as those imposed by the gang of political free-booters and ex-slaves who secured control of the South under the reconstruction acts. The framers of these acts doubtless felt reasonably safe in turning the Southern people over to the class who by this legislation were placed in control. The radicals inserted in the new constitutions of Alabama, Arkansas, Louisiana, Mississippi and Virginia, disfranchising and proscriptive clauses which greatly enlarged the number affected by the acts under which these constitutions were provided for. This was done either by requiring test oaths for suffrage, in which the applicant must swear to his belief in "the civil and political equality of all men," or by a combination of test oaths and direct disfranchisement. The constitution of Louisiana enjoyed the unique distinction of disfranchising persons who had "preached sermons in advocacy of treason." It, however, graciously offered to condone this and other suffrage-denying offenses if the repentant sinner would sign a certificate "setting forth that he acknowledges the late rebellion to have been morally and politically wrong, and that he regrets any aid and comfort he may have given it." Exceptions also were made in two or three of these constitutions in favor of persons who had purged themselves by strenuously supporting the congressional reconstruction policy or by advocating racial, civil and political equality. The legislatures were empowered to remove these disabilities. Virginia and Mississippi refused to ratify the constitutions containing these obnoxious provisions, and defeated their adoption when separately submitted at the election provided for after Grant's succession to the presidency. It was inevitable that after the states were readmitted the men who represented the character and intelligence of the state, as well as

paid its taxes, would either compel the elimination of such discriminations outright or would in some way practically evade them. The mere letter of the law never has been and never will be sufficient to keep from political power people who are inherently entitled to it, or to bestow it in practice upon people inherently unfit to exercise it.

Missouri and West Virginia went to extremes not even attempted by the states further south. The latter adopted a constitutional amendment in 1866 which not only disfranchised all persons who had aided the Confederate cause, but which even denied them citizenship in the state. It is probable that no people ever underwent greater hardships in civilized warfare than the Southern sympathizers in the state of Missouri. It is certain beyond the possibility of denial that this country has nowhere else witnessed such a proscription of the commonest civil privileges and immunities as was embraced in the long catalogue which constituted the infamous third section of article two of the Missouri constitution of 1865. It was said of it and of the "test oath" which accompanied it, by Mr. Justice Field, of the Supreme Court of the United States, that it created crimes hitherto unknown and was without a precedent in its severity. The case in which these proscriptions were held unconstitutional was that involving the conviction of a Catholic priest for the crime of preaching and teaching without having first taken the test oath. This was the case of Cummings *vs.* State of Missouri, decided in 1867. In West Virginia the objectionable clause was omitted from the constitution adopted in 1872.

Another civil disability imposed upon Southern men affected the right of lawyers to practice in Federal courts. The so-called "ironclad oath" of 1862 was sufficient of itself, without additional legis-

lation, to disqualify every Confederate sympathizer from any office under the Federal government. In 1865 the act of 1862 was supplemented by one which required attorneys and counselors to take the "iron clad" test oath before being allowed to practice in any United States court. This simply meant that practically every lawyer in the Southern states was disbarred from Federal practice, and could not even prosecute an appeal to a Federal court. It was against the peculiarly odious discriminations of the act of 1865 that A. H. Garland, of Arkansas, later attorney-general under Mr. Cleveland, protested in a petition to the Supreme Court of the United States, which led that tribunal in 1867 to declare the act in question unconstitutional.

The removal of the civil and political disabilities imposed by national and state action was affected in various ways and through a considerable period of time. It may be said to have begun with Lincoln's first amnesty proclamation, Dec. 8, 1863. In this proclamation Mr. Lincoln offered relief from the operation of the confiscation acts of Congress, as to all property except slaves. This restoration of property rights was conditioned upon the taking of a prescribed oath, and was open to all except certain designated classes of former officials, and persons who had treated colored soldiers other than as prisoners of war. Johnson continued this "amnesty" policy in several proclamations, beginning May 29, 1865. He increased the number of excepted classes in this proclamation to fourteen, and followed Lincoln in requiring an amnesty oath and in offering to consider special applications for pardon. The scope of subsequent proclamations was broadened until that of Dec. 25, 1868. included, without the condition of an oath, all persons in any way associated with "the late insurrection." But these

proclamations were not recognized by Congress, and at first were effective only in so far as the President could enforce them, as in the case of ordering the restoration of confiscated or "abandoned" lands, in the hands of the Freedmen's Bureau or officers of the army. They were upheld in a sweeping way by the Supreme Court, in 1867, in the Garland case, and were declared to work a relief "from all penalties and disabilities attached to the offense of treason."

But Congress was the sole judge of the qualifications of its members, and a pardon from the President did not guarantee congressional recognition of a certificate of election to a seat in that body. Nor did the opinion of the court affect the operation of the reconstruction acts, in enforcing the disabling section of the proposed Fourteenth amendment. A two-thirds vote of each house of Congress was required to restore to full political privileges the classes which that amendment proscribed. Congressional amnesty was at first limited to such as were endorsed by radical leaders in the South as "safe" and "loyal"—the class which has passed into history under the malodorous name of "scalawags." It was gradually extended to others, however, and in 1871 the iron-clad oath of 1862 was repealed as to ex-Confederates. This was the first step toward a restoration of civil and political rights by congressional legislation general in application. In 1872 the disabilities of the Fourteenth amendment were removed from all except persons who had been members of the thirty-sixth and thirty-seventh Congresses, or officers in the judicial, military or naval service of the United States, or heads of departments or foreign ministers. These classes, as such, were not relieved until thirty-three years after the war—and then only under the sentimental excite-

ment of the approaching war with Spain. The act of 1898 removed all disabilities imposed by the third section of the Fourteenth amendment, but was devoid of practical effect except in a very few cases.

We have suggested the line of policy followed by the radical advocates of "equal rights" during the progress of the War of Secession, in legislating for negroes within the jurisdiction of Congress. The first civil rights act was passed over Johnson's veto, April 9, 1866. It anticipated the Fourteenth amendment by making negroes citizens and bestowing upon them the same personal and property rights and the same standing in civil and criminal courts as enjoyed by white citizens. For all real purposes to which such laws could be legitimately applied, the civil rights of the negro were secure under this act, coupled with that of May 31, 1870, giving Federal courts jurisdiction over its enforcement. But it did not go far enough to suit Sumner. He seemed to be a monomaniac on the subject of "equality," and was satisfied with nothing less than the absolute obliteration of the last vestige of demarcating line between the races. But he did not live to see the enactment of his pet desire on the subject—the Civil Rights Act of March 1, 1875. This act sought to secure to negroes the right of access to all hotels, cars, schools, theatres, etc. Any man but an impractical and visionary dreamer would have realized the impossibility of thus compelling such an association as this law sought to secure. Nothing could be more certain than that it would be ignored throughout the South, without regard to its penalties.

We have suggested that when the Fourteenth amendment resolution was passed its advocates felt that its incorporation into the constitution would place the rights and privileges of negroes wholly

within the care and control of congressional legislation. In the famous Civil Rights Cases in 1883, the Supreme Court of the United States held that the Civil Rights Act of 1875 was unconstitutional in so far as it attempted to do the very thing which its framers claimed the right to do under the Fourteenth amendment. This was held to be "direct and primary, as distinguished from corrective, legislation." As such, it constituted a congressional encroachment upon the domain of state control of domestic affairs. It was hard for the radical advocates of "civil rights" to reconcile themselves to the idea that, after all, no new "privileges and immunities" had been created by the war amendments, and that the newly created class of citizens must simply stand on the same footing as the white class, as regards the enforcement of their rights. Yet this was not only good law, but was common sense as well. Coupled with another important interpretation of the Fourteenth amendment, namely that "equal" does not necessarily mean "identical," as applied to certain civil rights, there was furnished the states all the liberty of legislative action necessary to devise means for avoiding the racial clashes which under the congressional statutes seemed inevitable. It was rendered possible to establish separate schools and to require separate cars, without running counter to an act of Congress.

While Sumner was working to secure the passage of his Civil Rights Act in Congress, practically every idea which he sought to incorporate in it was embodied in the reconstruction constitutions or legislation of the Southern states. Ante-bellum laws against intermarriage were repealed, as were such separate car laws as had been enacted during the brief life of Johnson's provisional state governments. In Louisiana the right of attending the same

schools with white children was guaranteed the negro in the state constitution, while in nearly every state the effort was made to legislate out of existence the common discriminations in hotels, barber shops and theatres. In short, the privileges and immunities and rights of citizenship for the negro were to mean, under both the congressional and state programs, the wiping out of racial lines, the breaking down of racial distinctions and the destruction of every artificial barrier to social association between the races. That this program was not carried out is common knowledge. For its final abandonment, as impossible of congressional enforcement, the Southern people are indebted to the Supreme Court of the United States. Its downfall in the states was one of the inevitable incidents of the overthrow of the reconstruction governments and the resumption of local white control of local affairs.

Thus we are warranted in saying that the War of Secession permanently affected the civil rights of only one class of Southern people— namely, the negroes. And the rights secured to the negro are only those, and no more, which the Southern people themselves would have voluntarily granted if let alone. These are the rights of equal standing in courts, and those of property and person. Even before the overthrow of the first provisional governments some of these rights were already given the negro, while the wisdom and justice of granting them all was recognized and urged by many Southern leaders, and in a short time would have been generally conceded by all. In other words, in the field of civil rights the negro secured nothing from the turmoil and strife of reconstruction folly which would not have followed in due time the mere fact of his emancipation, as inevitably incident to his new status as a free member of the community.

As for the white men of the South, they were protected from the confiscation of their real estate for a longer period than their own lives by the constitution of the United States. A title for life only was hardly worth while, and their rights of property were not interfered with, further than was involved in making constitutionally impossible a prosecution of claims for the loss of slaves. It would have been impossible for even Stevens to reconstruct the Southern states on a basis of the total and permanent deprivation of the civil and political rights of the white population. The radical element went as far as it was possible to go in a civilized state in the last third of the Nineteenth century. And "rebellion" was too nearly universal in the South to make the punishment harsher or more lingering than it was, without the adoption of a program for maintaining troops in those states which would have been too expensive to consider seriously. The final restoration of all civil and political rights to the Southern people was a necessity inherent in the conditions which existed throughout the Southern states, if civil government was to be carried on.

III. Readjustment of Party Affiliations.

The readjustment of party affiliations after the War of Secession makes an insignificant chapter in Southern political history. Despite the long agitation over the slavery question which terminated in 1861, the South was never an isolated section politically. The term "solid South" has occasionally been used in discussing the election of 1812, with Madison, of Virginia, and Clinton, of New York, as candidates. All the electoral votes of Virginia, North Carolina, South Carolina, Georgia, Tennessee and Louisiana, the states which were afterwards em-

braced in the Southern Confederacy, were cast for Madison. But it should be remembered that they also went to Elbridge Gerry, of Massachusetts, who was the candidate for vice-president on the same ticket. Under the then existing system of choosing electors we have no means of ascertaining the popular vote, or what would have been the popular vote, but in no sense could a vote on such a ticket be called a sectional vote, as we now use the term. The electoral vote of all these states was also cast for Jackson, in 1828, but Adams received part of the popular vote of each one of them—nor was Jackson the candidate of a section. When the Whigs defeated the Democrats, in 1840, the popular vote of the South was fairly well divided between Harrison and Van Buren. This was the first election at which a candidate of avowed abolition sentiments was to be voted on, and of the 7,000 votes cast for Birney not one was from the South. The same may be said of the 62,000 votes which he received in 1844, when the contest was between Polk and Clay, both Southern men. In the election of 1848 the Southern vote was well divided between Taylor and Cass—Alabama, Arkansas, Mississippi, Texas, and Virginia each giving the Northern candidate a popular majority over the Southern. It is worth noting, however, that of the 291,000 votes which Van Buren received on a "Free Soil" platform, only nine were contributed in states subsequently part of the Confederacy—these having been cast in Virginia.

The anti-slavery party, still calling themselves "Free Soil Democrats," with a ticket drawn from New England and the Middle West—Hale, of New Hampshire, and Julian, of Indiana, polled 156,667 votes in 1852. This was a falling off from the preceding vote, but it was sufficient to show that the slavery issue was one henceforth to be reckoned

with, not as a mere academic question only, but as one of national and practical politics. The anti-slavery ticket received fifty-nine votes in North Carolina and 291 in Virginia. While the South was for Pierce by a good majority, it cast a considerable vote for Scott. The election of 1856 witnessed the advent of the Republican party as a national anti-slavery organization, with Fremont as its nominee. The Democrats nominated Buchanan, while Fillmore represented the forlorn hope of the last remnants of the Whigs, with such recruits as they gathered from anti-slavery Democrats and the short-lived "Know Nothings." Here was presented for the first time a clear-cut slavery issue at a national election. Yet the South was so far from being "solid" that it cast more than 300,000 votes for Fillmore, as against 430,000 for Buchanan. This was in the subsequent Confederate states alone, excluding Missouri, for obvious reasons, and omitting South Carolina, whose electors were still chosen by the legislature. Here again the candidate who stood for sectional opposition to slavery—and his candidacy was distinctly the embodiment of sectionalism—secured no Southern votes, save 291 in Virginia—a suspicious duplication of the anti-slavery vote of that state four year before. In the final political struggle of 1860 these same states were as distinctly divided in their allegiance at the polls as they had always been. They cast 72,000 votes for Douglas, 436,000 for Breckinridge, and 345,000 for Bell. Yet of their total popular vote of more than 850,000, Lincoln received but 1,929,—all in Virginia.

From the foundation of the government to the outbreak of the war the Southern people represented normal divisions of sentiment on every political question which from time to time confronted the country,—save one. This of course was slavery.

As long as other questions were paramount, and even in 1860, no one candidate or party could command their united support. And it is the error of ignorance to suppose, as is often done, that there were no internal differences of opinion among Southern people even upon the institution of slavery. There were in the South thousands of people, directly or indirectly interested in slave-holding, who did not "believe in" slavery in any sense of the term. But they were confronted with the practical questions inextricably involved in changing an organized labor system of vast extent and in altering the status of the slave. There were likewise many shades of opinion on slavery at the North. Certainly Abraham Lincoln was no abolitionist. But when the question of slavery—whether of extension or restriction or maintaining the status quo—became the distinct issue of a powerful political party, it was inevitable that that issue and that party must be sectional. This was inherent in the very elements of the situation—a mere matter of course incident to the fact that slavery itself had become economically confined to one section of the country. And regardless of normal differences of opinion, North and South alike, when the issue came there was but one front presented by each section. It is idle to moralize about such questions, or to seek to explain the common impulses of human nature by fine-spun theories of political action. The people of this country separated politically when a sectional economic institution became a paramount political issue, and they separated because it was the entirely natural thing to do. The greater solidity of the South, and its greater readiness to assume its position, were simply because the bone of contention happened to be in the South. It was for that section

a very real and very tangible matter. For the North it was a mere abstraction.

Of the readjustment of political affiliations then, no more need be said than that the war simply changed the issue from the sectional one of slavery to the sectional one of the status of the former slave and of his relations to his former master. The political allegiance of Southern white men went naturally to the party which represented the minimum amount of interference in the problem of readjusting social and economic conditions in the Southern states, and which was willing to grant to the people who faced the problem the greatest measure of freedom in handling it. What that party was called, and what else it stood for, was the very least possible concern of the Southern people after the war. And it has not mattered much since, and will not, until the other great party develops a sufficiently broad and non-sectional spirit to cease to use the slavery question, the negro and the war as party assets,—quadrennially paraded in its national platform.

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Chapter II.

THE RECONSTRUCTION, 1862-1877.

Social and Economic Conditions After the War.

IN 1865 the problems that confronted the nation were unlike those of 1860; of many of them the people of 1860 could have had no conception. Besides the larger problems of national scope, each section and each state had its peculiar local problems pressing for solution.

In the North the first thing to be done was to disband the huge armies and discontinue the great war industries and direct the men and resources into other channels of industry; next must follow a reduction of taxation and a general economic readjustment; finally the far West was to be settled and to do this great railway systems were to be developed. The loss of life in war had not staggered the northern population as it had the southern, and wealth had increased during the war. Political and social morality had declined and there was in the government a tendency toward militarism; otherwise it was a normal society.

The border states of the Union had to deal with complex conditions. Here the people had been divided, community against community, neighbor against neighbor, relatives against relatives, and intense bitterness had resulted. Contending armies had destroyed much. In Kentucky and Maryland, to which the Emancipation Proclamation did not extend, slavery was still a subject of controversy—the negroes were legally slaves and yet practically free and wandering at will. In these states the Federal army still held the supreme power and conflicts were

frequent between the military officers and the civil officials of the state. The social and political structure, though still standing, was shaken to its foundations.

In the former Confederate states conditions were appalling. Most of the active male population had taken part in the war and of these many of the best had been killed or injured in body or health. Political leaders had taken such part in the contest that, under any scheme of reorganization likely to be adopted, they would be retired from leadership for a time. Thus, by war and its results, southern society was deprived of many of its better men and of its natural leaders.

Property, public or private, that could be destroyed or consumed scarcely existed in the lower south and in the old theatres of war. Real estate could hardly be sold, rented or used. Most movable property had been worn out in use or destroyed by the armies. The small money crops that had been raised had been destroyed or confiscated. Capital to the amount of $2,000,000,000 invested in slaves had disappeared. Banks and banking capital had ceased to exist. There was no coin money and little in the way of labor or produce that would bring in coin money. Securities which had been changed into Confederate paper were valueless. The Confederate currency had become so worthless by April, 1865, that the people had lost the proper sense of values, and when they secured a little coin it was apt to be foolishly expended. For want of money trade could not be carried on in many places and people returned to the primitive methods of barter—a pig for a sack of corn, a hen for a peck of potatoes.

Transportation and communication were difficult. Roads were washed into gullies or cut up into sloughs; bridges were gone; few steamers were left

on the rivers; the railroads that had not been seized by the Federals had lost or worn out their rolling stock; road beds were in bad condition and the railroad companies were bankrupt. It was a year before the postal system was in fair working order. For several years the shelves in the stores had been empty. Northern creditors had lost what was due them in 1861 and were not inclined to make advances.

Among whites and blacks there was destitution and suffering. The whites of the remote counties suffered most, for these had no negroes to work for them and most of the white males went into the army. As early as 1861 and 1862 the white districts had suffered from want of food. In 1865 in the mountain counties of Georgia, Alabama and Tennessee weak women walked ten to twenty miles to get food for hungry children. Some people starved. The Black Belt, where negroes furnished labor till 1865, fared better, but the invading armies freed the negroes and destroyed the stores of supplies, and crops in 1865 and 1866 were bad. The blacks suffered much during the four years beginning with 1863. As the Federal armies invaded the negro districts the slaves were gathered into camps where sanitary conditions were bad and the resulting death rate was often 50 per cent a year. At the close of the war thousands flocked to the cities and to the military posts where they lived out of doors or in crowded cabins. Smallpox, measles, fevers and other such diseases killed great numbers. It has been estimated that by 1867 the negro race had lost as many by death as the southern whites had lost in the war. Their continued roving and absence from the fields disorganized industry.

A heavy burden upon the people of the South resulted from the execution of the Federal confiscation

laws. By these laws property belonging to Confederates or to the Confederate government was liable to confiscation. Treasury agents followed in the path of the armies of occupation to collect personal property, cotton and other staple crops. Many plantations owned by Confederate soldiers were turned over to the use of the negroes; and until President Johnson began to pardon the Confederates nearly all property was liable to be seized. Later only the property which had belonged to the Confederate government was confiscated. But many of the treasury agents were dishonest and millions of dollars worth of private property was seized, much of which was never turned over to the United States government, but was stolen by the agents. So flagrant were the thefts by the collectors of confiscable property that the Washington authorities investigated the matter and some of the thieves were caught and imprisoned. For example, one cotton agent was fined $90,000 and another $250,000 in addition to imprisonment. And these were no more guilty than many others.* In addition to the government agents there were numerous pretended agents—natives and newcomers—who got away with plunder. Even back taxes and debts due the Confederacy were collected. The result was to deprive the people of the greater part of the only commodities that had any money value.

The cotton tax which also came with the Federal armies took a portion of what the cotton thieves left in 1865 and burdened southern industry for two years longer. This tax was first levied by Congress in 1862—half a cent a pound on all cotton produced; in 1863 it was raised to two cents, in 1865 to two and a half cents, and in 1866 to three cents, reduced to two and a half in 1867 and abolished in 1868. The

*All private property seized and turned over to the United States government has since been restored by Congress to the owners.

total amount collected in the South was $68,072,-388.99.

When the southern armies surrendered the Confederate civil administration, national and local, dissolved, leaving the entire Confederate territory, except parts of Louisiana, Tennessee, Virginia and Arkansas without government of any kind. Political disorganization was even more complete than was the social and economic breakdown. The only forces to keep order were local defense organizations, forerunners of the later Ku Klux Klan and similar bodies, and the garrisons left by the conquering armies. The armies of occupation remained but a short time; the scattered garrisons that were left after the muster-out were too few and too weak in numbers to control much of the great territory of the South. In the vicinity of the posts the commanders dispensed rough justice to white and black and kept some sort of order. The soldiers were not all under good discipline and some of the commanders were incompetent. In some places the soldiers were a scourge to the people and frequent trouble with the citizens resulted. For several months there was a lack of civil government and most of the people ruled themselves.

Troubles in the churches was one of the legacies of the war. Before 1861 all the larger religious organizations with members North and South, except the Catholics, had divided into northern and southern branches, the slavery question being the cause of contention. When the Federal armies occupied southern territory the southern churches were turned over to the northern religious organizations and southern ministers forced to take the oath of allegiance or be expelled from the churches. "Loyal" services were required—that is, prayers must be offered for the Federal authorities. The end of

the war found the northern organizations in possession of much of the southern church property, and with the declared policy of "disintegrating and absorbing" the southern religious bodies.

But the basis of reunion offered was so narrow that the movement failed. Southern preachers and church members were asked to confess guilt and acknowledge the wrong of secession and war. This caused a reaction in the South and the southern churches were reorganized. Many border state congregations joined them and soon they were stronger than ever. One body, the Confederate Protestant Episcopal Church, reunited with the northern organization, a good basis of reunion having been offered. The northern churches sent missionaries and teachers into the South, but they had little success among the whites. They secured the unionist element and took most of the negroes from the southern white churches to which they had formerly belonged. Disputes over church property were numerous and lasted for years.

These were some of the conditions under which the southern people had to begin the reconstruction of society and which affected to an important degree the political reconstruction.

Legal Problems of Reconstruction.

The legal problems that offered themselves for solution were also perplexing. It was evident after 1863 that these would be an important factor in the Reconstruction. There was much discussion over the legal status of the seceded states. Were they still states or merely conquered territory? Were state rights indestructible? What was a state? What was a "republican form of government"? By whom were such questions to be decided, the President, Congress, or the Supreme Court? And the

former citizens of the southern states—were they conquered rebels or conquered foreigners? Had they any rights under the United States Constitution, or under the rules of international law? If rebels, how could they be punished for treason? Who should be punished? Did the President's pardon restore both civil and political rights?

The negro question was also involved in legal complications. Slavery was dead but how should that fact be expressed in public law? Two Union states had not abolished the institution. Was the negro a citizen or a ward? Should he have civil and political rights? Were the states or the central government to fix his status? What was his place in society?

The dicussion of these questions involved searching examinations of the constitution and resulted in varying theories of interpretation. Some held that, aside from the settled questions of state sovereignty and slavery, the fundamental law in 1865 was what it had been in 1861 or 1789. Others maintained that as a result of the war a new nation had been formed and that this fact must be read into the public law of the United States, that former decisions and theories were not always to be binding, that "the Union as it was" was not to be restored.

Political Parties in 1865.

The organization of political parties at the close of the war was not favorable to an easy settlement of the Reconstruction problem. There were in 1864-1865 two distinct national organizations: the Democratic party and the Union party. The former, by its course of opposition during the war, had become somewhat discredited, and many Democrats had left the organization to join the Republicans in a Union party which supported the policy of the Lincoln administration. The Republican party as a

national organization ceased to exist during the last year of the war. The Democrats had a definite plan of reconstruction: let the "Union as it was" be restored at once. The Union party, composed of diverse elements, moderate and radical Republicans, and war Democrats, had in 1865 no settled policy of reconstruction. They were not agreed on a plan of reconstruction, nor on the negro question, in fact, the factions had united only in support of the war. The year 1865 was, therefore, likely to be a period of readjustment of political affiliations. War Democrats were showing a disposition to return to the old party. President Johnson, a war Democrat, had been elected Vice-President on the Union ticket and his cabinet was made up of Unionists. The leaders in the Union party tried hard to hold it together and prevent the return of the war Democrats to their old party. The people of the South, temporarily disfranchised, were for the time without party affiliations, but they were closer by sympathy to the Democratic party and it was early evident that they would affiliate with that party, thus going into opposition to the party which had conducted the war and which included those who would control the reconstruction.

Plans and Theories of Reconstruction.

From the beginning the Federal Congress had assumed that the war would result in the restoration or reconstruction of the Union and frequent discussions of the method of reorganization had developed widely diverging theories. The Democrats held to the views expressed in the Crittenden-Johnson resolutions of 1861: that when the South ceased to resist and submitted to the United States government, the Union was restored, that the states and state rights were indestructible. The southern lead-

ers were ready to act upon this theory. Having lost, it seemed best to accept part of the northern view that the secession was the work of individuals, not of states, and that the proper procedure was for the southern Confederate governors to convene the legislatures, cause state officials to take the oath of allegiance to the United States and arrange for representation in the United States Congress. On this theory the celebrated Sherman-Johnston convention was framed in April, 1865. Presidents Lincoln and Johnson held that the southern states were still states with all the rights of states, but that their functions were temporarily suspended on account of the usurpation by the Confederate officials who were not recognized; that the President by amnesty or pardon could restore rights to the people who might then erect state and local governments; that when this was done Congress ought to admit their representatives. Both Lincoln and Johnson believed that the inauguration of reconstruction was the duty of the executive department of the government.

Contrasting with these conservative views were the radical theories advanced by the leaders in Congress. One of the best known was the "state suicide theory," invented by Charles Sumner. He maintained that by secession and war the southern states had destroyed their legal existence and that local institutions had therefore no legal basis; slavery—a local institution—had then ceased to exist, and the people had no political rights—only such civil rights as the Constitution and the Declaration of Independence secured to them. Over the Southern people and their territory Sumner held that Congress had supreme power and might organize new states without regard to former names and boundaries, and when these new states were admitted conditions

might be imposed, such as equality of races, social and political, public free school system, etc.

The "conquered province theory," originated by Thaddeus Stevens, of Pennsylvania, was not greatly different from that of Sumner, though it was stated in more brutal terms. Stevens would have the southern states regarded as conquered foreign territory and the people as conquered foreigners with no rights under the constitution of the United States, so that Congress in dealing with them would not be fettered by the constitution. By extensive confiscations and by deportation of Confederate leaders Congress might insure, so Stevens thought, the desired character of population in the former Confederate states. The "forfeited rights theory" finally adopted by Congress and put into practical operation resembled the "state suicide theory." Shellabarger, of Ohio, proposed it as a substitute for the others. The state governments were, according to this, regarded as destroyed, and the territorial condition resumed. Congress might make states at will, as that body, not the executive, was the final authority on reconstruction.

President Lincoln and Reconstruction, 1863-1865.

The executive plan of reconstruction had a long though not a fair trial from 1863 to 1867. Lincoln's policy is foreshadowed in his first inaugural message: he would not regard as legal or quasi-legal any of the acts of the Confederate authorities and he would regard the secession movement as an insurrection of individuals into which large numbers of the southern people were forced. He always believed in the existence of a large "loyal" element in the South and upon the basis of these he intended to work out the reconstruction. Though mistaken as to the unanimity of the southern people Lincoln, with

his border state training, came nearer to understanding the southern temperament and was more sympathetic than any other of his party.

In pursuance of his plan he appointed in 1862 military governors in North Carolina, Tennessee and Louisiana whose business it was to develop nuclei for the later erection of state organizations. In 1863 a military governor was appointed in Arkansas. In Virginia he favored the organization of the western Union counties as the legal state of Virginia. When most of these counties were formed into West Virginia, the remainder under Federal control was recognized as the legal state of Virginia. The Emancipation Proclamation showed what his attitude on slavery would be.

On Dec. 8, 1863, to further the reconstruction movement, Lincoln issued a proclamation offering pardon and restoration of all rights to those who would take the oath of allegiance. In any state when persons amounting to 10 per cent. of the number of voters in 1860 should take the oath and organize a government Lincoln promised to recognize it. The only limitation imposed was that the laws and proclamations regarding slavery must be obeyed until passed upon by the supreme court. The Tennessee, Louisiana and Arkansas state governments were set up under Lincoln's supervision and representatives were sent to Congress; these were admitted at one time, but later admission was refused.

The majority in Congress did not favor Lincoln's policy, and in 1864 the Wade-Davis bill was passed by both houses of Congress. It provided for Congressional supervision of reconstruction and proposed to set aside the work already done by Lincoln; it also provided for the abolition of slavery in the states. By a pocket veto Lincoln killed the bill and a few days after the close of the session of Con-

gress he issued a proclamation giving his reasons for not signing it, but stated that he would recognize any state government organized in accordance with its provisions.

Lincoln was not willing to commit himself to any one plan. When the war ended his work was standing in West Virginia, Virginia, Tennessee, Louisiana and Arkansas. He had expressed himself in favor of limited negro suffrage, but insisted that the voting privileges should be controlled by the states. He was opposed to local reconstruction by northern men.

President Johnson and Reconstruction, 1865-1867.

When Andrew Johnson succeeded to the Presidency moderate people in the North feared that he would pursue a vindictive policy toward the conquered South. He had advocated publicly that the leaders should be hanged or imprisoned and that their property should be confiscated. "Traitors must be punished and treason must be made odious" was the burden of his speeches before and for a while after his inauguration as President. The radicals were not altogether displeased to have him succeed the more moderate Lincoln—"Johnson, by the Gods, there will be no trouble in running the government now," said Benjamin Wade to the new President.

Johnson's views in regard to the legal aspects of reconstruction were very like those of Lincoln. He retained Lincoln's cabinet and at its first meeting the matter of reconstruction was taken up. The plans of the late President were discussed and Johnson proposed to continue his policy. The Lincoln governments in Virginia, Tennessee, Arkansas and Louisiana were recognized and continued. By the members of the cabinet, especially by Seward, the vindictive policy of Johnson was discouraged and he grad-

ually modified his position. However, until the last he held to the view that the mass of southern people had been tricked into the secession by a few leaders.

The war was so surely ended that Johnson planned to discharge most of the troops and the bulk of the army was withdrawn from the South. But with the remainder military control was extended over all of the South, meeting no opposition. The Confederate state and local governments were not recognized. An official movement of the southwestern states toward returning to the Union was stopped by forbidding the legislatures to meet and by the arrest of all the governors and other prominent civil leaders who could be reached. By proclamation commercial intercourse with the South was gradually restored and the ports were opened during the spring and summer of 1865.

Political reconstruction in the states not reached by Lincoln began with Johnson's two proclamations of May 29, 1865. By an amnesty proclamation the President relieved the mass of the Confederates from any disabilities that might result from the war, thus creating a new body politic upon which state governments might be based. From this amnesty all prominent leaders—civil and military—were excluded. The other proclamation provided for the inauguration of a new civil government in North Carolina. W. W. Holden, who had favored secession but had opposed the Confederacy, was appointed governor and directed to organize a temporary state and local administration, provide for the registration of voters and hold an election for a constitutional convention, which should abolish slavery, repudiate the war debt and declare the ordinance of secession null and void. The heads of Federal departments were directed to re-establish the Federal administration in North Carolina. This provisional

civil government was to be subject to the control of the President and the war department. The Freedmen's Bureau which had charge of all matters concerning the negroes was established in every southern state during the spring and summer of 1865. During June, 1865, the President established in South Carolina, Georgia, Alabama, Florida, Mississippi and Texas provisional governments similar to that of North Carolina, with similar duties. B. F. Perry was made provisional governor of South Carolina; James Johnson, of Georgia; L. E. Parsons, of Alabama; William Marvin, of Florida; W. L. Sharkey, of Mississippi, and A. J. Hamilton, of Texas. All of these men had opposed secession, and most of them had given lukewarm support to the Confederacy.

The work of restoring the southern states to the Union proceeded swiftly. Mississippi held the first constitutional convention in August, 1865, and Texas, the last one in April, 1866. The conventions drew up new constitutions which contained only three important new provisions—the abolition of slavery, the repudiation of the war debt and of the ordinance of secession. By ordinances each convention enacted much legislation for the purpose of reorganizing the state and left the rest to the legislature, the election of which was provided for. In all of the states except Texas the legislatures met in the fall of 1865 and except in Mississippi ratified the Thirteenth Amendment to the Constitution which provided for the abolition of slavery. This done, an elected governor in each state succeeded the provisional governor appointed by Johnson, representatives and senators were elected to Congress, and the reconstruction was as complete as the executive could make it. If Congress would recognize it, then the Union was restored.

Opposition of Congress to President Johnson's Policy, 1865-1866.

When Congress dissolved before Lincoln's death that body had not settled upon a plan of reconstruction, but the majority seemed to agree that reconstruction was a matter for Congress, not the President, to attend to. Johnson had not been hampered by Congress in session while carrying out his work. Few, even of those who opposed the executive reconstruction, wanted a special session called. It would seem that all were willing to wait to see if Johnson's policy would work. But Johnson soon became more moderate than his early utterances indicated he would be. He not only amnestied the mass of the Confederate soldiers, but he freely gave special pardons to the leaders who had at first been excluded from amnesty, and he suspended the operation of the confiscation acts. Inevitably the state governments in the South, except in Tennessee, had by December, 1865, come into the control of the former Confederates. This was too rapid progress for many of the radicals and opposition was manifested. It was asserted that a continuation of Johnson's policy would nullify the results of the war. Especially did the radicals fear that the newly given freedom of the negro would be insecure if left to the guardianship of their former masters.

To obtain first hand information of conditions in the South, President Johnson sent several official agents throughout that region to investigate and report. General Grant after a trip in the South Atlantic states reported that the southern people accepted the situation in good faith and would abide by the results of the war. Harvey M. Watterson, father of the well-known journalist, and Benjamin C. Truman, one of Johnson's secretaries, who had been with him in Tennessee during the war, both

made full and encouraging reports of the intentions and actions of the southern people. Carl Schurz, a German revolutionist who had been a Federal soldier and Republican politician, made a voluminous report that suited the views of the radicals.

Though these reports had not been made when Congress met, the majority in both houses of that body was disposed to question both the methods employed by the President and the results obtained. The Representatives and Senators from the South were not admitted, and a joint committee on reconstruction was appointed to take testimony and report upon conditions in the South and a plan for the reconstruction.

The legislation enacted in the fall and winter of 1865 by the southern states in regard to freedmen was misunderstood at the North and weakened the President's cause. The southern legislatures were confronted with an enormous task—that of fixing a place in the southern social order for the former slaves. The laws on the statute books related only to whites. The negroes, many of them, had left the farms and plantations to become roving beggars. There was danger not only of an entire loss of their labor but of widespread disorder. So in each southern state laws were enacted to suit the conditions. The criminal laws were extended to the negroes; the right to testify in court, to own property, to sue and be sued were given to them. Strict laws against vagrancy were enacted, and to care for the homeless young negroes the apprentice system was extended to the blacks. In Florida the right to bear arms was limited and in some states a black minister had to have a license. In South Carolina admission to certain occupations was made difficult for the negroes. And everywhere the lines were sharply drawn to separate the races; mixed schools and mixed mar-

riages were forbidden. All in all, the negro was given substantial civil equality, but was classed apart as politically and socially inferior. The limitations upon civil rights were not serious and were never enforced. But it was the limitations that alarmed many at the North and became a political issue.

The laws relating to blacks could not go into effect while the Freedmen's Bureau, with its extraordinary authority, was in charge of negro affairs. So Congress passed a law extending and increasing the powers of the Bureau. Johnson, who believed that the South should be admitted to representation in Congress and that all classes should be subject to civil government, vetoed the bill. Congress finally passed it over his veto and the Bureau continued in control of the negroes until 1868.

The Freedmen's Bureau, with jurisdiction over all matters relating to negroes, was a most important institution of reconstruction. It did much to weaken and discredit the civil governments in the South. It was established, in distrust of the southern whites, to protect the negro, to take charge of confiscated property, and to distribute supplies among the blacks. At the head of it was a commissioner, Gen. O. O. Howard, with headquarters in the war department. Under him in each state was an assistant commissioner with control over local superintendents, agents, inspectors, etc. To this organization the negroes looked for rations, clothes and medical attendance and for protection and justice. The confiscated lands in charge of the Bureau were allotted to negroes for cultivation and on the Atlantic coast sold to them at low rates; from this nearly the entire race got the notion that the lands of the whites were to be divided among the negroes and that each would get "forty acres and a mule." The Bureau courts

tried all cases in which a black was involved and administered a kind of justice or injustice which frequently infuriated the whites. The labor regulations were too complex and based too much upon theory and in ignorance of actual conditions. The Bureau even undertook to guide and assist the education of the young blacks and gave support to schools taught by the missionaries and teachers sent by northern organizations. And its officials favored and helped the separation of the negroes from the southern white churches into organizations controlled from the North. The character of the higher officials was almost uniformly good; while the lower officials were nearly all corrupt, bigoted and tyranical or incompetent. Their work which was never necessary resulted in much idleness and demoralization among the negroes and in much ill-feeling on the part of the whites. Later the Bureau became a most effective political machine.

Next after the success with the Freedmen's Bureau the majority in Congress passed a civil rights bill putting negroes upon legal equality with whites. Johnson vetoed this measure and it was repassed over his veto. On Feb. 22, 1866, the President made a public speech in which he attacked the radical leaders in violent language. This and the vetoes completed the breach with Congress. Only a decisive election would settle the question. But before that could take place Congress in other ways manifested its opposition to Johnson's policy. The joint committee on reconstruction made its report condemning the President's policy and advocating a Fourteenth Amendment which would put a premium on negro suffrage and would disfranchise the leading whites. The Fourteenth Amendment was framed and sent out to the states. In July, 1866, Tennessee, which was under control of radicals and in which

Confederates were disfranchised, was readmitted to the Union, but in doing so Congress distinctly repudiated the President's plan.

The Congressional Elections in 1866.

The issues were now made up. It was the President and conservative conciliatory reconstruction or Congress and the radical policies of disfranchisement and negro suffrage. To support the policy of the administration the National Union Party was organized. It was composed of moderate Republicans and the bulk of the Democrats. The former Union party, now in opposition, consisted altogether of Republicans and soon that name was resumed. Both parties held national conventions and framed platforms. A convention of southern "loyalists" held in Philadelphia condemned the President's policy. Both parties claimed the support of the soldiers. An administration convention of soldiers and sailors was held in Cleveland, and a little later a radical convention was held in Pittsburg. In Memphis a convention of southern soldiers endorsed Johnson.

Two occurrences in the South in 1866 strengthened the radicals. In Memphis, in April, 1866, occurred a serious conflict between whites and blacks in which numbers, mostly blacks, were killed or injured. In New Orleans, in July, 1866, there was another riot between the races. The radicals in Louisiana, encouraged by politicians in Washington, planned to reconvene the defunct convention of 1864 and make a constitution which would disfranchise the Confederates and overturn the state government which had fallen into the hands of the former Confederates. Governor Wells favored these plans. The mayor of New Orleans feared trouble and asked for military aid to keep the peace on the day of the meeting of

the convention. Stanton suppressed the telegrams from the Federal commander in New Orleans and Johnson knew nothing about the danger until the riot was over. A fight began between whites and blacks in the street and ended in a pitched battle inside the convention hall, in which several whites and forty or fifty blacks were killed. These and other cases of violence were exaggerated and made much use of by the radicals in the North.

The President in August and September made a tour of the West, speaking at all important points. At Cleveland and St. Louis he became involved in disputes with members of the audience who were evidently primed for the purpose and, losing his temper, his speech degenerated into violent abuse. All of this was successfully used by his enemies to discredit his party.

The Congressional elections went heavily against the President; each house would have a majority large enough to carry measures over his veto. Thus the North expressed its opinion on reconstruction. In the South during the fall of 1866 the southern legislatures, one by one, refused to consider the Fourteenth Amendment. The southern attitude toward reconstruction was therefore evident. The North, in control of the government, could only try its policy.

Reconstruction by Congress, 1867-1868.

Congress in December 1865 had refused to admit senators and representatives from former Confederate states. But the state governments organized under the supervision of Johnson continued to administer state and local affairs throughout 1866. The President was anxious for Congress to recognize them as perfect states, though his own policy toward them was somewhat inconsistent. He continued to

interfere with the internal affairs of the states by objecting to the election of certain men to office, by allowing the army officers in the South to exercise authority in local affairs, and by a general supervision of all state matters. The Freedmen's Bureau continued to rule over the blacks. As a result the state governments, discredited by the refusal of Congress to recognize them, were further weakened by the active interference of the President, the army officers, and the Freedmen's Bureau. Yet in spite of these hindrances the affairs of local government were conducted with much better success than could have been expected.

Congress spent the greater part of the session of 1866-67 in maturing a plan for the reorganization of the southern states. The moderate Republicans were whipped into line. The principal radical leaders were Sumner, Wilson, Morton, Wade, Chandler and Howard of the Senate, and Stevens, Boutwell, Butler and Ashley in the House. The general character of the group was a curious compound of sincere fanaticism, narrow vindictiveness, demagoguery, and political meanness. But by the most effective methods they dragged the moderates of their party into their revolutionary schemes.

In January, 1867, the first stage was reached in congressional reconstruction by extending, over the President's vetoes, the suffrage to negroes in the territories and the District of Columbia. On March 2, 1867, three important measures were passed. Two of these, the tenure of office act and a rider to the army appropriation bill relating to the President's control of the army, were designed to nullify as much as possible the influence of Johnson. By the tenure of office act the President was prohibited from removing officials without the consent of the Senate. Johnson had been dismissing radical officeholders in

order to strengthen his position against Congress and the senators and representatives not only desired to check this but were anxious to secure a share of the offices. By the other measure the President was practically deprived of command of the army. He must issue orders through the general of the army whose headquarters must be in Washington and whom the President could not relieve or assign to other duties. Further the President must in certain cases have the consent of the Senate before issuing orders to or through the general. This act was dictated to Boutwell by Stanton, the secretary of war, who, through disagreeing with Johnson, had not resigned but had remained in the cabinet as a spy reporting to the radical leaders. It seems likely that one object of this law was to estrange the President and General Grant who to this time had been friendly. The situation created by this measure was sure to have this result sooner or later.

The third act passed on March 2, 1867, was the first reconstruction act. This declared that no legal governments existed in the South and divided that territory into five military districts: (1) Virginia; (2) North Carolina and South Carolina; (3) Georgia, Florida and Alabama; (4) Mississippi and Arkansas; (5) Louisiana and Texas. Over each of these a general officer of the army was to rule by martial law. The generals might, if they chose, make use of the civil governments in their administration. Any state that desired to escape from this military rule might do so by a reorganization on the basis of negro suffrage and the disfranchisement of leading whites.

It was soon seen that the whites preferred martial law to its alternate—negro rule. Congress then, on March 23, 1867, passed the second reconstruction act. By this the generals were directed to make a regis-

tration of voters which should include the blacks and exclude the leading whites. Then elections were to be held for delegates to constitutional conventions which should frame new constitutions. These constitutions should be submitted to the people for ratification or rejection and if ratified should be transmitted to Congress. The entire machinery of elections was under the control of the generals. No person who had given aid to the Confederacy could serve as an officer of registration or election. Only those whites could vote who had never held civic office and who had not reached high command in the Confederate army.

President Johnson had vetoed all of these measures and bitterly opposed the policy outlined in them but he proceeded, in good faith, to enforce them. General Schofield was assigned to the command of the first district; General Sickles to the second; General Pope to the third; General Ord to the fourth; and General Sheridan to the fifth. Later General Meade relieved Pope, General Hancock took Sheridan's place, and General Gillam succeeded Ord. Soon after they took charge of their respective districts many requests came from them for instructions on doubtful points in the laws. The President and his cabinet framed a list of interpretations somewhat liberal to the South and these were issued to the generals through the attorney-general. Stanton alone of the cabinet voted against these interpretations and he later secretly drew up an act which was passed over the President's veto on July 19, 1867. This act contained the severest interpretation of the former acts, gave to General Grant the power of appointing and removing, and instructed the generals not to obey the instructions of any civil officer. This legislation completed the congressional pro-

gram on reconstruction. The rest was for the major-generals to accomplish.

The President now reorganized his cabinet. Speed, Dennison and Harlan who did not agree with Johnson very properly resigned and their places were filled with conservative Republicans. Stanton, encouraged by the radical leaders, refused to resign and held his place in order to embarrass Johnson and report upon his actions. Finally, in August, 1867, the President suspended him and made General Grant, who was still friendly, acting secretary of war.

Meanwhile the generals in the South were executing the reconstruction acts. Martial law displaced civil government in ten states, but there was no resistance and few troops were necessary. Registrars were appointed—renegades of the South, adventurers from the North, and negroes—and the registration of the new electorate proceeded. Every effort was made to get all negroes of age to register, and every obstacle was placed by the registrars in the way of registration of the whites. In South Carolina, Alabama, Florida, Mississippi and Louisiana the negroes were in the majority; in Virginia, North Carolina, Arkansas and Texas the whites, and in Georgia the races were about equal. Elections for delegates to constitutional conventions were next held under military control. These bodies consisted largely of ignorant whites and more ignorant blacks controlled by carpet-baggers and a few native scalawags of ability. The majority of the controlling element consisted of the Freedmen's Bureau officials or former officials. The scalawags were distrusted by the negroes and the carpet-baggers and the work of the convention caused the greater part of them to desert the radical party.

The conventions were ridiculed by the opposing

side and were dubbed "Black and Tan," "Black Crook," "Menagerie," etc. The principal work of the conventions was to frame constitutions in accord with the will of Congress. This was done by enfranchising the blacks who by act of Congress were already voters and by limiting white suffrage. Most of the new constitutions surpassed the acts of Congress and the Fourteenth amendment in their proscriptive provisions. The average constitution was a mosaic of scraps from northern state constitutions and acts of Congress, with original attempts at the solution of social questions. In South Carolina, Mississippi and Louisiana it was made a penal offense to have separate schools for the races, or to have separate cars, hotels, etc. Nearly all the constitutions provided for elaborate public school systems, a fact which has led superficial historians to ascribe to carpet-baggers, scalawags and negroes the credit for the beginning of public education in the South. None of these school systems were ever in successful operation.

By the spring of 1868 in all the states except Texas the work of the conventions had been completed and submitted to the voters. In Mississippi the constitution was so unpopular that it was defeated. In Alabama it failed on account of the organized efforts of the whites to persuade voters to stay away from the polls. According to the act of Congress a majority of the registered voters must take part in the election or the ratification would not be accepted. After the defeat in Alabama Congress came to the rescue of the radicals with the act of May 11, 1868, which provided that ratification by a simple majority of those voting would be accepted. In Arkansas, the Carolinas, Florida, Georgia and Louisiana the constitutions were thus ratified and state officials and legislatures chosen.

Congress then took up the matter and in June, 1868, provided for the admission of representatives from seven states—the six in which the constitutions had been ratified and Alabama in which it had been rejected—as soon as the state legislatures should ratify the Fourteenth amendment. This was done at once and the generals by order then abolished the remnants of the Johnson governments, turned the states over to the radical officials who had been chosen, discontinued the military districts and withdrew the military forces except from Virginia, Mississippi and Texas. Representatives and senators were admitted to Congress and in seven states the congressional reconstruction was completed. These states were readmitted subject to the fundamental condition that in them the suffrage should never be limited.

The radicals now had control of all the state governments and in most cases the local administration in these states. Four of the governors, ten of the fourteen senators and twenty of the thirty-five representatives were carpet-baggers, and the rest were scalawags and negroes. None of these men had any real interests in the states which they assumed to represent. It was the same way in the state and county administrations. The legislatures were composed mainly of incompetent whites and negroes controlled by a few unscrupulous leaders of ability. The South Carolina legislature had eighty-eight blacks to sixty-seven whites, all of whom together paid $635.23 in taxes, ninety-one paying none at all. The members of the Alabama legislature paid less than $100 in taxes. The other legislatures were similarly composed.

A marked feature of the electioneering of 1867-68 in the South was the influence of the Union or Loyal League, a secret oath-bound order composed mainly

of negroes led by whites. This organization had its origin during the war; it was based upon the union of numerous local societies formed among the whites in the North and border states to stimulate Union sentiment. After the war it was extended into the South and soon through the influence of the Freedmen's Bureau officers and other northern members negroes were admitted. By the end of 1866 they had entered in such numbers that most of the native whites deserted the League. In 1866 and 1867 the members were trained rigidly in the radical political doctrines and by the time the negroes were to vote, in 1867, they were perfectly under the control of the carpet-bag leaders. Much of the influence of the League was due to the awe-inspiring ritual and the initiatory ceremonies which impressed the scared blacks with the fact that the southern whites were seeking to reduce them to slavery and that it would be criminal even to vote for any but a radical candidate. Members who were recalcitrant were ostracised, deserted by their wives and sweethearts, turned out of church or beaten. The members were forbidden to listen to the speakers on the other side. In 1867-68 there was in the Black Belt little difference between the Union League and the radical party. Several smaller orders similar to the League existed, among them the Red Strings of North Carolina, the Alcorn Clubs of Mississippi and the Lincoln Brotherhood in Florida.

The passing of the southern states under carpet-bag-negro rule brought defiant protests from the whites. For a while they had tried to control the negroes but the Union League had rendered useless their efforts. Now the voice of the white race was raised to assert that the civilization of their forefathers should not be submerged by the flood of African barbarism—"the white people of our state will

never submit quietly to negro rule." The blacks were warned that as they used or misused their privileges so would they fare when the day of reckoning came. At this time began the renewed activity of the Ku Klux Klan and similar organizations which had had a sort of existence since the end of the war. This activity did not cease until the downfall of radical rule was at hand.

The Impeachment of the President, 1868.

The opposition of President Johnson to the policies of Congress caused the radical leaders to plan his removal. During 1867 several unsuccessful attempts were made to impeach him. But a complication that arose under the tenure of office act furnished an occasion at last. Stanton, secretary of war, had been suspended in August, 1867, and General Grant made secretary *ad interim*. The Senate on January 13, 1868, refused to concur in Stanton's suspension, and on February 21 he was dismissed by Johnson. This was considered a violation of the tenure of office act, and on February 24 a resolution to impeach him passed the house.

During the trouble with Stanton General Grant had become alienated from the President. It had been understood by the President and cabinet that Grant was to notify Johnson before giving up office to Stanton. Johnson wanted to get the case of Stanton before the courts. Though Grant had promised, yet in January, when the Senate refused to concur in the suspension, Grant turned over the secretary's office to Stanton. Johnson charged Grant with breach of faith and proved the charge by the members of the cabinet. Henceforth Grant was on the side of Congress and actively worked for impeachment.

Eleven articles of impeachment were framed charging the President with violations of the tenure

of office act of 1867, the anti-conspiracy act of 1861, and the act of 1867 relating to the command of the army, and finally with committing "high misdemeanors" in making speeches in 1866 against Congress. Most of the so-called evidence on which these charges rested was ridiculously inadequate and had once or twice been rejected by the House as cause for impeachment. On March 5, 1868, the Senate was organized for the trial with Chief Justice Chase presiding. On March 13 the trial began, the Senate having refused to grant the President any length of time for the preparation of his case. The majority were determined to regard the trial as purely a political proceeding and hoped to be able to vote Johnson out of office simply because he was in the way of Congress. The minority and the chief justice desired the matter to be considered as a purely judicial one. The majority used questionable methods to secure conviction. Pressure was brought to bear on hesitating senators and most of the Republicans were lashed into line. But the partisan basis of the whole proceeding was so evident that when a vote was taken on the strongest article it stood: "guilty" thirty-five, "not guilty" nineteen, lacking one vote for conviction. Votes on other articles had a like result. Of the nineteen who voted for acquittal, twelve were Democrats and seven were moderate Republicans—Fessenden, Fowler, Grimes, Henderson, Ross, Trumbull and Van Winkle. These men by their votes ended their public life. The trial ended on May 26, 1868. The failure of impeachment had several minor results: Stanton gave up his office and Schofield succeeded him; there were no more serious conflicts between Johnson and Congress; attention was turned to the approaching Presidential campaign.

The Presidential Campaign of 1868.

In the Presidential campaign of 1868, as in the Congressional elections of 1866, reconstruction was the main issue. Grant, the popular general of the army, had been gained by the radicals and nominated for President. Horatio Seymour, of New York, moderate Democrat, and F. P. Blair, of Missouri, extreme Democrat, had been nominated to oppose Grant and Colfax. Several states had rejected negro suffrage and several had returned to Democratic control. But the newly reconstructed states in which so many whites had been disfranchised were almost certain to vote for Grant.

The Democrats were weakened by having an extreme policy on reconstruction. Blair, the candidate for Vice-President, declared that if a Democratic President were elected it would be his duty to abolish the reconstruction governments in the South and restore them to the condition of 1867. Though this alienated many votes the Democrats polled a total of only 300,000 less than the Republicans. Grant secured 214 electoral votes to 80 for Seymour. He carried eight of the former slave states.

It was easy for the Democrats to show that those states had been carried only by the disfranchisement of the ex-Confederates, and that Grant had secured only a minority of the vote cast by the whites. The Republicans saw that in order to keep in power they must by all means retain radical control over the reconstructed states. To do this would necessitate an extreme policy in enforcing the results of the reconstruction in order to maintain the carpet-bag negro governments.

Radical Misrule in the South, 1868—1872.

For the reconstructed governments in the South to hold their own would be a formidable undertaking.

Though the constitutions provided in most cases for strongly centralized administration there were conditions which operated to weaken them. The official class furnished some able leaders but the majority consisted of men of little education, wealth, experience or character. The mass of the whites held the government in contempt and hatred of those who favored reconstruction had caused many whites to desert the radicals. As time passed the blacks demanded and obtained a larger and larger share in the government and this resulted in further alienation of property and intelligence. In no state did the governor dare to organize regularly the white militia; it might overthrow the state government. Though in South Carolina, Louisiana and Arkansas the negro militia was organized the real dependence of the carpet-bag-negro governments was upon the Federal soldiery and deputy marshals directed from Washington. The result was that the reconstructed governments became mere appendages of the Federal administration at Washington. State rights ceased to exist.

Since so much depended upon the Federal government the character and policy of General Grant was bound to be of the greatest importance. He had no political experience, but was inclined to the opinion that the state should be ruled as the camp, and looked upon criticism and opposition as contrary to the obedience due the superior officer. Having been put at the head of the government it was easy for him to feel that he was the government. In his friends and associates he had the most implicit confidence and many of them were not worthy of it. His opinions on reconstruction were shaped by the radicals. All of this was unfavorable for the South. Grant was by nature of a generous disposition, but had the extremest of the experienced radical leaders been in

his place the South would have suffered less. With his soldier's temperament he looked upon all opposition in the South as evidence of a rebellious spirit that must be crushed.

However, the first step that Grant took in completing reconstruction was a wise one. Three states —Texas, Virginia and Mississippi—were still under military control. In Virginia and Mississippi there was strong opposition to the proscriptive clauses of the new constitutions. Grant desired to complete the reconstruction with as little humiliation as possible to the southern whites. So he secured from Congress a law allowing a separate vote in those states on the proscriptive clauses. These were rejected and soon the three states were again in the Union. Before readmission they had been forced to ratify the Fifteenth as well as the Fourteenth amendment.

Georgia, which had been reconstructed in 1868, was practically expelled in 1869 and put again under military rule. The reason for this was that the legislature which had a Democratic majority had excluded all blacks who had been elected to that body, holding that while the state constitution gave the blacks the right to vote it did not confer the right to hold office. Governor Bullock, a radical, protested and brought the matter before Congress. The case was settled by reviving the third military district and putting Georgia again under military government. Bullock was directed to purge the legislature of certain whites and admit the negroes. Further, the legislature was required to ratify the Fifteenth amendment. In July, 1870, Georgia, having been made radical, was readmitted.

The scandalous misrule in the Southern states resulted in such dissatisfaction among the whites that stringent Federal legislation was deemed necessary

in order to prevent the downfall of the radical state governments. The Fourteenth and Fifteenth amendments which disfranchised certain whites and gave civil and political rights to the blacks furnished the basis for this legislation—usually called the "force laws."

The first "force law" or "enforcement act" was enacted on May 31, 1870. Its purpose was the enforcement of the Fifteenth amendment. The provisions of the law were directed against *persons* not *states* as authorized by the amendment itself. Its effect was to give to the Federal courts jurisdiction over cases arising in regard to elections. A supplementary act of February 28, 1871, placed the elections under Federal deputy marshals. On April 20, 1871, was passed the so-called Ku Klux act which was practically a declaration that a state of war existed in the South. This also, contrary to the constitution, was aimed at *persons,* not at *states,* and practically took over into Federal control state matters pertaining to elections, relations between races, etc. The President was authorized to suspend the writ of habeas corpus and use the army and navy to execute the law.

The principal object of these laws was to prevent the whites from carrying the elections and this object was attained temporarily. North Carolina, Tennessee and Georgia had already escaped from radical rule, but Alabama which had been half won by the Democrats was regained by the radicals and the other states held from four to six years longer. Wholesale arrests were made and thousands of whites were imprisoned under these "force laws," and such intimidation resulted that the whites lost many local and state elections that otherwise they would have won.

Backed by the strong support of the Federal gov-

ernment the radicals in the South enjoyed unparalleled opportunities for plundering the states under their control. The most corrupt official bodies were those of South Carolina, Louisiana, Arkansas and Florida. Others were scarcely better. Justice was bought and sold. Necessary legislation could seldom be secured without bribery and by bribing almost any corrupt measure could be enacted into law. In the states having large negro population conditions were worst. In Georgia, North Carolina, Virginia and Texas, where there was a larger white population than black and where the opposition to reconstruction had been strongest, the misgovernment was least felt and the whites soonest escaped from radical rule. It has been said that had the Southern whites accepted the reconstruction measures and tried to make the best of the situation the results would have been better. But that this is incorrect is shown by the fact that the states which made the strongest fight against reconstruction had to endure the lightest evils and were the first to escape from radical misgovernment.

The increase of public debts furnished an index to the misrule of the radicals. In 1870 it was estimated that the state debts had increased $131,000,000 since 1867. In North Carolina it increased from $16,000,000 in 1867 to $42,000,000 in 1870, when the assessed value of property was less than $120,000,000. In South Carolina the state bonded debt was $5,800,000 in 1867 and five years later it was $24,000,000, with other obligations so numerous that no estimate of them was ever made. In Alabama the carpet-baggers raised the debt in six years from $5,000,000 to $30,000,000. In Louisiana the total debt due to reconstruction was never known. The state soon went into bankruptcy. The bonded debt increased from $10,000,000 in 1867 to $48,000,000 in

1870 and in addition $30,000,000 of local indebtedness, in all about 30 per cent. of the value of the property in the state. Other states suffered in like manner but less.

Not only were the bonded debts of the states increased but the rate of taxation was raised. In Alabama the increase was threefold to begin with in 1868 and county taxes were in some cases quadrupled. In North Carolina the increase of state taxation was fourfold. In Louisiana there was a sixfold increase. The local tax rate in New Orleans was 3 per cent. in 1873, and in Natchitoches 8 per cent. The local tax levies nearly always increased at a greater rate than the state tax rate.

To offset these colossal expenditures there was nothing to show—no public buildings, no improvements. Schools were closed; the deaf, dumb and blind went uncared for; protection to person and property was not given. The money wrung from the impoverished people or secured by mortgages on the future of the unborn generations went directly and indirectly into the pockets of unscrupulous adventurers.

Much of the money stolen from the public treasuries went to the thieves in the form of grants or guarantees to railroads. In every Southern state there was something of the kind. In Alabama about $15,000,000 was advanced to railroads, some of which did not build a mile of new road; others secured subsidies greater than their value. In North Carolina about $15,000,000 of bonds was issued to assist in constructing new railroads and not a mile was built. In South Carolina the state invested $5,430,000 in railroads and then waived its claim to any share in the roads. In other states similar frauds were perpetrated.

The personal expenses of legislators cost the

South millions. In every state legislative expenses were greatly increased and in some of them the extravagancies were ludicrous. The South Carolina legislature in one session spent $95,000 for furniture, $80,000 worth of which went to furnish the rooms and dwellings of members. This legislature also paid the private accounts of its members. Hundreds of thousands of dollars were spent for eatables and drinkables, from bacon and hams to paté de foie gras and winter fruits; from the best champagne to the worst rum. Clothes and books, coffins, mules and horses, cigars and hundreds of other such articles were paid for as legitimate "supplies." The members charged to the state such articles of apparel as skirts, bustles, false hair, fascinators, lace, thread, ribbons and perfume. As one legislator expressed it: "South Carolina ought not to be a state if she cannot support her statesmen." Similar though in most cases smaller frauds were practiced in other states. In Louisiana the legislative expenses for one session were more than $900,000. The public printing in South Carolina cost more for one carpet-bag administration than for the previous seventy years. In South Carolina $700,000 was appropriated to buy land for the negroes who were clamoring for the "forty acres and a mule." The land purchased was valued at $50,000, the rest of the money went into the pockets of buyers and sellers. In this state to redeem $500,000 in state bank notes the legislature appropriated $1,250,000, and the securities belonging to the educational fund were sold for the use of the state government. And so it was in kind, if not in degree, in every reconstructed state.

Elections were closely controlled by the radical state administration. This was necessary or the voters would turn them out. Democratic and conservative majorities were thrown out by returning

boards. Federal troops and deputy-marshals were used under the "force laws" to intimidate the whites and keep them from the polls. The negroes, by bribery, cajolery and violence were held within the radical lines. Should the whites carry elections as in Alabama and Louisiana in 1872, the radicals through the support of Federal troops would hold on to the state governments. Democratic legislatures were dispersed by troops in Louisiana in 1873 and 1875. A revolution in Louisiana in 1874 put into power the legitimate government which had been counted out but the Federal troops reinstated the carpet-bag administration.

In several of the states a source of disorder and lawlessness was the state militia. In North Carolina a regiment of negroes was organized and a regiment of renegade whites—some natives and some imported from the West. These were used to help Governor Holden hold the whites in subjection. Holden for the first time in history suspended the writ of habeas corpus in North Carolina and his militia committed many outrages upon the people. In Arkansas the white militia was nothing more than an authorized organization of thieves and murderers who continued their occupations in the service of the state. The negro militia organized by Governor Ames in Mississippi terrorized the scattered whites of the black districts and several pitched battles occurred. It was left for Louisiana to organize a standing army, for such was the negro Metropolitan Police, a brigade organized and officered by whites, and wholly at the disposal of the governor. This body held New Orleans firmly and was used to enforce administrative measures in the country parishes. But in some of the states, as in Alabama and Georgia, it should be remembered to

the credit of the reconstruction governors that they refused to organize the negro militia.

As time went on the relations between the races were more and more strained. Riots occurred in all the states, especially in Louisiana and South Carolina. The race issue became a more and more important factor in politics. In the early period of reconstruction the whites made serious efforts to gain part of the negro vote, but failed. As late as 1872 no color line was drawn by the conservatives, but after that date the campaigns were made on race issues and absolute white supremacy demanded. As the negroes gained influence in the councils of their party they demanded a larger share of the offices and legislation to insure social rights. In South Carolina it was made a penal offense to call a man "negro," "nigger," or "yankee." Laws providing for equal rights in schools, churches, hotels, theatres, on railroads and steamboats were enacted in Louisiana and South Carolina and in 1874 Congress passed a civil rights act which made such equality general over the United States.

The apologists for the reconstruction have claimed that the school system in the South was founded by the carpet-bag-negro governments. But it would be more correct to say that they set back educational development many years. Before the War of Secession promising school systems were developing in all those Southern states where there was population enough to support schools. These systems interrupted by the war were started again in 1865 by the provisional governments, and separate schools were planned for the negroes. The reconstructed constitutions provided for most elaborate public school systems modelled after those of the North. In some states both races must attend the same schools; in none of them was this prohibited. But

the elaborate school system never was put fully into operation in any state and in most of them it soon collapsed for want of the funds which were diverted and embezzled by the lawmakers. The whites refused to send to the schools where negroes were allowed to go. The schools and colleges were practically destroyed in the states where the new rulers got control of them as in South Carolina, Louisiana and Alabama. The principal result of this experiment was to prejudice the whites against the public schools and especially against negro education. The radical principles of the teachers are said to have had unhealthy influence over the young negroes.

The disturbed condition of the churches resulting from the War of Secession was not bettered during reconstruction. Political and church divisions coincided. The Southern church membership was Democratic; the few whites who belonged to the Northern churches in the South were radical, and the negro church organizations were solidly Republican. The breach was widened by the unfriendly attitude of the church bodies in the North and by the radical teachings of the Northern missionaries in the South. So patent was the attitude of the church organizations that during the Ku Klux movement the "Klans" burned negro church and school buildings in which political meetings were held. The reconstruction left the larger churches hopelessly divided.

The Overthrow of Reconstruction, 1870-1877.

The Congressional plan of reconstruction was no sooner put into operation than influences began to be felt which finally worked its downfall. Though seemingly firmly founded in 1869 the work of Congress depended solely upon the support of a President who would hold office eight years at the most

and upon a Congress with a radical majority which was constantly lessening. The downfall of the reconstruction governments was due to three main causes: first, their own inherent weakness and badness which has already been described; second, the reaction in the North following the decisive radical victories of 1866 and lasting for several years; third, the almost unanimous opposition of the white population of the South, an opposition which took every form—open or secret, legal, illegal, or extra-legal, constitutional or revolutionary, peaceable or violent.

A reaction in the North was inevitable. Not only had the people been skilfully committed to radical policy of which many only half approved and which they still supported only because ignorant of the actual state of things in the South, but there were many serious questions not connected with reconstruction with which the North had to deal and which in time took the attention of the average man away from the "Southern outrages" issue.

The financial situation was one of these. The war ended with the finances in disorder; the country was flooded with paper; gold was at a high premium, and yet a return to specie payments must be made sooner or later. The war taxes were heavy and must be reduced. Unskilful attempts to control the volume of paper money and industrial depression coming after the war caused the rise of a strong faction in each party which demanded the retention of the cheaper money. These people finally organized the Greenback Party. Closely related to this was the "Granger Movement" lasting for years, a protest against the economic policy of the government.

New economic problems and new political alignments resulted from the rapid westward development in the late 60's and 70's. This increased the influence of the rural population of the West which

had never been very much attached to the radical pro-negro legislation. And along with this development came the marvelous expansion of railway systems, soon followed by consolidations, by rise in freight rates, and by railway influence in legislatures and in Congress,—all of which gave to the "Grangers" much trouble and to politics some industrial problems as issues.

Foreign relations, for several years following the war, caused much concern to the better informed people. The French intervention in Mexico during the war was a violation of the Monroe Doctrine and the end of the war was followed by the demand of the United States that the French get out and by preparations to force them out. This settled, Mr. Seward proceeded to purchase Alaska in order to strengthen the Monroe Doctrine by getting rid of one more European power. For similar reasons other negotiations were later begun to add the islands of St. Thomas, St. John and San Domingo to the territory of the United States. These negotiations resulted in a serious division between President Grant and some of the radical leaders. The *Virginius* affair in 1873 nearly caused war with Spain, and the dispute with England caused by the English attitude toward the outfitting of Confederate vessels threatened at times to result in armed conflict.

The North itself was honeycombed with political corruption. The unhealthy influences that follow any long war or other upheaval were felt in every activity—public and private. The "Tweed ring" in New York did on a huge scale only what was being done in a smaller way in many cities. In Congress and among officials of the government scandals were numerous. The Credit Mobilier scandal, the "salary grab" and the discontinuance of the civil

service plan helped to bring the majority in Congress into popular discredit. The administration itself was smirched by the Indian agent peculations, by the frauds of the revenue officers, especially the "whisky ring" and by the impeachment of Belknap, the secretary of war, for receiving bribes.

The President himself was unsuited to perform the duties of high office. He was criticised for his habit of receiving gifts, some from persons of questionable reputation, for appointing too many personal friends and relatives to office, for surrounding himself with advisers in whom the public had slight confidence, for his policy in upholding the radical governments in the South by the constant use of the army, and for the general crookedness of the government under the "spoils system."

The periodical investigation of affairs in the South by committees of Congress furnished much campaign material for the radicals but they also opened the eyes of moderate persons to the chaotic conditions in that section. In 1871 and 1872 a strong effort was made by the "Liberal Republicans" to defeat Grant for renomination or reëlection. Though the movement failed, its influence survived. The Democrats put aside reckless policies and secured the adherence of many independents and moderate Republicans dissatisfied with the radical program. In the District of Columbia negro suffrage had resulted in the same kind of misgovernment that was found in the lower South, and Congress was obliged in 1874 to suppress the exhibition. A financial crisis in 1873-74 also weakened the party in power.

The Southern people could never have accomplished the overthrow of the radical government by purely legal means. Notwithstanding the increasing sympathy of the North toward the harassed whites, the laws were so constructed and administered, and

elections were so conducted by the radicals in charge that quiet legal reform by voting was impossible. Under such conditions the opposition assumed a revolutionary nature. Some of the revolutionary opposition to reconstruction has been called the "Ku Klux Movement," from the name of one of the secret orders.

There were numbers of the secret oathbound organizations pledged to oppose carpet-bag-negro government. Of these the most important were the Ku Klux Klan which was founded in Tennessee and spread over the white districts of the adjoining states; the Knights of the White Camelia which was organized in Louisiana in 1867 and later extended over the black districts of the lower South; the White Brotherhood; Pale Faces; Constitutional Union Guards; Council of Safety; the Order of the White Rose; the White League, etc. In the South there had always been popular or extra-legal bodies of men doing protective duty in rural communities. Such were the ante-bellum patrols, or "patter-rollers," the vigilance committees of frontier days and of the period in 1865-1866 when no government of any kind existed. When the reconstruction governments were set up such bodies naturally turned into secret revolutionary societies and others similar arose. In 1868 they began active operations, and under one form or another continued until the reconstruction governments no longer existed.

The causes of the Ku Klux movement were complex—the fear of negro disorder, the misrule of the reconstruction governments, the opinions of the Northern teachers and missionaries, anger at the mixed-school laws and other legislation, hostility of the low-class whites to the negro and other disorders of reconstruction.

The methods used by the secret orders varied with

the time and the locality. Beginning as defensive bodies they soon took the offensive. The weakest point in the radical defenses was negro superstition and fear. The secret orders terrorized the blacks by night rides in disguise as dead Confederate soldiers, and when the fear of this became less personal visits were made to offenders and warnings given and frequently whippings were given. The death penalty was sometimes inflicted. The first results of such work was to hearten the whites who found that they could thus protect themselves, and to reduce the danger of social disorder from negro uprisings. Life and property were made safer, the most dangerous of the negro and white leaders were driven away, and finally the Ku Klux Movement aided in regaining for the whites political control over the Black Belt.

While the Ku Klux Movement was widespread and was the first general getting together of the whites, it was only a part of the opposition to the radical rule. As soon as sentiment was crystallized political organizations were formed—nearly all of the whites going into one party called the Conservative, the Democratic, or Democratic and Conservative. Compact organization was followed by white victories in the states where the negro population was small. Tennessee escaped from the radical rule in 1869; North Carolina in 1870; Virginia in 1871, and Georgia which had partially escaped in 1868 completed the process in 1871; the border states also went Democratic.

The passage of the enforcement laws helped the radicals for a while, but in 1874 Alabama, Arkansas and Texas overthrew the radicals by more or less revolutionary methods; Mississippi using "shotgun methods" followed in 1875, leaving only three states under radical control—Louisiana, Florida and South

Carolina. The Conservatives had carried Louisiana in 1872 but had been counted out, and though they had gained control of the state in 1874 by armed force, President Grant had reinstated the radical administration.

The Democrats in the South went into the campaign of 1876 determined to regain those three states. The North was weary of carpet-bag rule and Hayes, a moderate Republican, had been nominated for President. The Democrats nominated Tilden, a reform Democrat. The issue that most concerned the South was that of reconstruction—whether the policy should be set aside at once or gradually—there was no question of its failure. When the returns came in Tilden had received 184 undisputed electoral votes, one less than enough to elect. In Louisiana, Florida and South Carolina the result was disputed. On the face of the returns the latter state had given Hayes a majority for President and Hampton for governor; Louisiana and Florida had both gone for the Democrats. But the radicals by unscrupulous dealing secured returns from each state for Hayes while the Democrats sent in returns for Tilden. The disputed returns went before Congress and by a partisan decision all were counted for Hayes. However a bargain was struck by which the Southern states were regained by the whites. The advisers of Hayes tacitly agreed with Southern leaders that if the South would submit peacefully to the seating of Hayes the latter would withdraw the Federal troops and turn the state governments over to the whites. So ended the reconstruction régime in the South.

Then followed a period in which the various reconstruction measures were rooted out of the law or evaded and nullified. In this the United States supreme court aided. Its decision in the "Slaughter

House'' cases severely restricted the application of the Fourteenth amendment; in other decisions the enforcement legislation and the civil rights act of 1875 were declared to have no constitutional warrant. The Southern whites to get rid of the remnants of negro rule made use of much the same methods that the radicals had once used. By complicated registration tests, by gerrymandering, and by curious election laws the negro vote was reduced. As soon as the local offices fell into the hands of the Conservatives the carpet-baggers left the South and the Republican Party ceased to exist except for the small body of Federal office holders banded together to secure the spoils.

About 1890 began a movement to restrict negro suffrage—this in spite of the condition imposed by Congress in 1868 that the suffrage should never be reduced. Mississippi led, followed by South Carolina and other Southern states. By 1902 in one way or another, by constitutional amendment or by election laws the Southern states had practically eliminated the negro vote. The supreme court has refused to interfere with these limitations.

But some evil results of reconstruction remain. One result is the solid South—with only one political party and consequently no healthy political rivalry; in education the old reconstruction problems are unsolved, and it is somewhat the same in the churches; the old industrial organization of the South almost destroyed by war and reconstruction has not and will not recover from the shock; the free negro has not proven as good a laborer as the slave and the white man is taking his place and developing the South; the race problem, so-called, is in many places acute; the Federal administration in the South has not been respectable except under a Democratic administration. Time, of course, will

modify or undo most of the bad results. But it cannot be said that the radical reconstructionists gained one thing for which they contended, nor has the final settlement been as liberal as the Southern whites were willing to make in 1865-1866.

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Chapter III.

POLITICAL PARTIES IN THE SOUTH SINCE 1860.*

AFTER secession was accomplished in 1861, party lines in the South practically vanished—though there was always a strong Union sentiment in various sections.

Peace Societies Established.

The rise of an anti-administration party, opposed to the powers and methods of the central government at Richmond, had its origin in the reverses of 1862, and in the increasing military powers of the central administration which resulted therefrom. The act authorizing the suspension of the writ of habeas corpus and the declaration of martial law in certain districts aroused considerable opposition —especially in North Carolina, and in Georgia where the legislature defied the enforcement of the act. In North Carolina there was dangerous opposition to the various war powers of President Davis after the first year of the war. After the reverses of 1863, the criticism of policies increased. The widespread dissatisfaction culminated in semi-secret political organizations, or peace societies, whose influence was first felt in the elections of 1863. Members claimed that their society caused the loss of Vicksburg. Many deserters collected in western North Carolina, in northern Alabama, in Mississippi and Louisiana, and to some extent in Georgia and

*This contribution is limited to national politics. Local state issues and reconstruction politics are eliminated because they are treated in other articles by various writers.

South Carolina; and in many instances they determined the election of members of the legislature who encouraged desertions and opposed further prosecution of the war. In Alabama and elsewhere various candidates for office appealed to voters on the ground that they opposed "military tyranny." Six Louisiana members of the Confederate Congress were said to be "Unionists." In North Carolina where the conflict between central and state governments became serious and where there was considerable demand for a state convention to negotiate terms of peace, the peace party was organized and led by W. W. Holden, who before the close of the summer caused the Confederates sufficient uneasiness to induce Confederate soldiers to sack his newspaper office at Raleigh and to interfere with congressional elections.

The leaders of the peace societies hoped to organize into one party all who were discontented with the administration, and even had agents at work in the army. Their influence was especially strong in Alabama, Georgia, Tennessee and North Carolina and to some extent in Mississippi. Early in 1864 they held many meetings in the southwestern counties of North Carolina and one at Raleigh. In the winter of 1864-65, after the success of the Republicans in the elections at the North, they were preparing in Alabama, Georgia and North Carolina to negotiate for return to the Union. With better leaders in Alabama, Fleming says, the party could have controlled that state after the summer of 1864. At the close of the war Stephens declared that the enthusiasm of the Southerners for the war declined "from the operation of war among themselves." With the constant increase of disintegrating forces within the Confederacy was threatened with collapse long before the fall of Richmond.

Political Affiliations After War.

At the close of the war, the future political affiliations of the people of the South furnished an interesting topic for speculation. With the abolition of slavery and the burial of extreme state rights doctrines, and with the inclination of many of the old leaders of political opinion to retire from politics, there was no reason why the South should not divide as other parts of the country on great issues. It seemed quite possible that many would not return to the Democratic party, whose split of 1860 had helped to precipitate the conflict between the sections. At first in practically every Southern state the old Whigs were entirely in control of provisional governments; but by the working of reconstruction policies the South was thrown into the arms of the Northern democracy, which seemed most ready to sympathize and extend a helping hand in the period of distress when the race question for the first time dwarfed all others.

In the lower South immediately after the war there was no strong political organization. Johnson by a policy of conciliation and immediate restoration hoped to establish an administration party of conservatives which would attract a large following at the South and become strong in both sections of the Union. In appointing provisional governors he chose Southern men (largely Whigs), like Holden, who had been opponents of secession either before or during the war. But gradually (and naturally) in the process of reorganization there was an increasing proportion of men conspicuous in military and civil service of the Confederacy who resented the jurisdiction of the Freedman's Bureau and whose appearance in politics had a disquieting effect at the North, especially after the reports of friction between blacks and whites—largely in the

towns (such as Memphis) where the idle and vicious roughs of both races were numerous.

Among the chief events which precipitated the severities of the Congressional policy of reconstruction and changed the development of parties in the South, was the serious riot (July 30, 1866) at New Orleans, resulting from the attempt to reassemble the constitutional convention of 1864 to obtain its vote in favor of the movement for negro suffrage in Louisiana. Opponents of the movement denied the right of the convention to resume its functions. Fierce controversy followed, and, as the delegates assembled, negroes became involved in brawls with hostile white spectators, who in their rage stormed the convention and slaughtered many of the delegates—unfortunately giving to Congress an impression that they represented the spirit of Louisiana and of the South.

As the policy of the President and Congress diverged, in August, 1866, there was an attempt to organize a new Union party, which, composed largely of Democrats at the North, would attract a large body of Southern whites—largely moderates who had come to the front in the reorganization of the state governments and who it was urged should be trusted to resume the conduct of self-government at once. This attempt was counteracted by a convention containing several "loyal Unionists" of the South—"thick and thin" opponents of secession who had been defeated in their states by the popular ex-Confederates.

The Republicans, who in the presidential election of 1864 had carried three of the four Southern states which participated—Missouri, West Virginia, Maryland and Kentucky (Kentucky alone voting for McClellan)—now obtained almost complete control elsewhere in the South through their majority in

Congress, which determined the policy of reconstruction. The war had effected a complete change in the political conditions at the South. Public offices, both state and national, whose distribution was not necessary to sustain party organization before the war when politics was the business of the wealthy, were now used as a means in the attempt to establish stable Republican organizations composed largely of poor whites, Northern immigrants, and moneyless negroes. Aside from the lawlessness and uneasiness which naturally followed the war, and the difficulties which naturally resulted from the changed relations between whites and blacks, the Federal civil service which was extremely corrupt throughout the period of reconstruction was largely responsible for the deplorable conditions at the South which finally made it solidly Democratic. The Republican party at the South, though some of its leaders were men of character and good intentions, did not contain the elements necessary to good government and permanency. Largely controlled by radicals who were as intensely partisan as the ultra conservatives who opposed them, and unable to furnish competent officials, it misgoverned until its power was gradually undermined by the welding of former secessionists and unionists into a party which at first was driven by bitter disgust into expedients to terrorize the superstitious negroes into subjection as a preliminary means of winning at the elections.

The South felt that the policy of Congress was only to prolong and extend party power by negro suffrage. Registration of voters by district commanders gave negroes the majority in South Carolina, Alabama, Florida, Mississippi and Louisiana. The whites had the majority in Virginia, North Carolina and Texas. The number of voters of each race was almost equal in Texas. The constitutional conven-

tions chosen were out of touch with the intelligent and substantial classes. Though they proposed some highly commendable laws and institutions, including free schools in several states, they did not have the respect of the experienced leaders at the South. The mass of delegates were ignorant or inexperienced.

By the spring of 1868 the formation and consolidation of parties had been completed and the political antithesis of races was everywhere obvious. The political prospects of the anti-secession whites were terminated forever by the reconstruction acts of Congress. Most of the native whites joined the conservative (Democratic) party against negro rule, But only in Mississippi was the ratification of the new constitution defeated by a majority of votes cast. In Alabama the conservatives prevented ratification by systematically remaining away from the polls—but they were deprived of the fruits of their victory. In Arkansas, North Carolina, South Carolina, Georgia and Louisiana the radicals carried the elections for ratifying the constitution and electing executives and legislatures. They also elected the larger number of members sent to Congress. The conservative hostility to the radicals was based on alienage, race, and financial extravagance. Virginia, Mississippi and Texas did not ratify constitutions till 1870, when they were reinstated after their ratification of both the Fourteenth and Fifteenth amendments. They took no part in the election of 1868.

Seceded States Turn Democratic.

For three decades beginning with 1868, the chief issue of the Democrats at the South was the undoing of reconstruction. In the period of violence and disorder from 1868 to 1877, they overthrew the reconstruction governments and began the use of tempo-

rary devices to secure the practical disfranchisement of the negro. Conditions were unfavorable to genuine political discussions or proper party life. Bitterness growing out of temporary disfranchisement of former Confederates and temporary enfranchisement of negroes prevented the reënfranchised Confederates from dividing on general interests and convictions. In annual "autumnal outbreaks" the lower elements of each party exhibited the worst passions of humanity. "Murder, violence and race hatred seemed pitted against unscrupulous misgovernment and tyranny." In the end, the stronger organization of white Democrats triumphed over the Republican organizations weakened by factional quarrels and the weaknesses of the weaker race. In spite of the intervention of Congress by various acts, every Southern state that had seceded turned Democratic, beginning with Tennessee in 1869; followed by West Virginia, Missouri and North Carolina in 1870, Georgia in 1871, Alabama, Texas and Arkansas after a hard struggle in 1874, Mississippi after a desperate campaign in 1875, and Florida, Louisiana and South Carolina in 1877. The number of Republican congressmen from the South decreased from twenty senators and forty representatives in 1869 to two senators and four representatives in 1877. From 1876 to 1890 the Democratic party at the South devoted its attention to the destruction of the Southern Republican party organization, which controlled the negro vote. It restricted the negro vote by sharp practices and devices such as centralization of administration, gerrymandering, tax requirements, complexity of election laws and ballot-box juggling. Since 1890, in six states, beginning with Mississippi, it has secured the same results by the application of a more subtle method: by constitutional clauses

which have disfranchised practically all the blacks together with many whites.

Power of Secret Orders.

The less sober and substantial whites had early organized to terrify and coerce the freedmen, and in the spring of 1867 the elaborate organization of the Ku Klux Klan, and the Knights of White Camelia, was effected to preserve the political ascendancy of the white race. In the fall elections of 1868 their operations were conspicuous, and in Georgia and Louisiana they were able to secure heavy majorities for Seymour and Blair against Grant. Although, of all states which may be regarded as a part of the South, only Georgia, Louisiana, Kentucky and Maryland gave Democratic majorities, the total Democratic majority of the entire South was over 109,000 (excluding West Virginia and Delaware). The vote of Georgia, whose position was in doubt, was not counted. [In Georgia the conservatives elected the majority of the legislature, which proceeded to exclude all black radicals in favor of their white opponents who had been defeated, causing the state to be placed again under military rule until 1870]. In 1869, the conservatives won Tennessee and were making heavy gains in North Carolina and Alabama—conditions which led to the enforcement act of May 31, 1870, providing penalties for infringement of the right to vote. Tennessee has a peculiar political history. It was the only seceding state which had had no "reconstruction" governor after the war. The state administration of Parson W. G. Brownlow had been upheld by President Johnson. The attempt of the "carpetbaggers" to get control, under the leadership of H. Clay Evans, was the beginning of the Evans-Brownlow fight which has continued in one form or another at intervals since 1870.

In several states the Republicans divided into "Liberals" and 'Radicals" on the disfranchisement and proscription of Confederates.

Early in 1872, the conservatives or "Liberal" Republicans of Missouri, who, by a coalition with the Democrats, had defeated the radicals in a state election, issued a call for a national anti-administration convention which nominated a ticket on a policy whose backbone was the elimination of the Southern question from politics by the removal of political disabilities, leaving the South to work out its own destiny. This ticket, headed (and handicapped) by Greeley, and adopted by the national Democratic party, which four years before under Southern inspiration had committed itself to repudiation of congressional reconstruction and the war amendments, awakened little enthusiasm even at the South where it received all its majorities—in the seven states: Georgia, Tennessee, Mississippi, Louisiana, Texas, Maryland, Kentucky and Missouri. The popular majority at the South was Republican. Virginia voted for Grant, though since that time it has always supported the Democratic national ticket. West Virginia, though it had gone Democratic in 1871, gave a Republican majority of nearly 3,000.

The collapse and extinction of the national Liberal movement was disappointing to the Democrats of the South, who—though strengthened by the repeal of the iron-clad oath, by the removal of disabilities, and by the return to the North of many of the better class of the "carpetbaggers"—now saw no hope of future relaxation of the rigor of the enforcement acts nor of the termination of the radical maladministration of inefficiency, extravagance and corruption. Though, welcoming the schisms in the radical party between "scalawags" and "carpetbaggers" caused by divergency of policy in regard to the consideration

of negroes in the distribution of offices, and though in most states by 1872 they had formed a coalition with the reforming native white radicals, under the name of Conservatives in opposition to radicals—thus further sharpening race lines in party divisions—there were appalling obstacles to a successful campaign against the radicals, who had control of the local electoral machinery by a system of centralization at the state capitals, and whose governments were sustained by the military service of the United States.

In the election of 1874 the Conservatives (Democrats) carried Alabama and Arkansas, overthrew the reconstruction government in Texas, made heavy gains in Louisiana and Florida and elected nearly a solid delegation to the House of Representatives. The more sagacious leaders, inspired by the conciliatory policy of such men as Lamar, who recently in the House had delivered an eloquent eulogy on Charles Sumner, aimed to paralyze radical influence in the administration by a flank movement—by winning the sympathies of the Northern Liberals. The more violent preferred a direct frontal attack—through injunctions which would impress clearly upon the negroes that they must vote conservative or not at all. Their methods, though deprecated by the moderate conservative leaders, doubtless contributed much to the election results—by the efficacious suppression of the negro vote.

South Emerges from Reconstruction.

The election of 1876 was the closing scene of the "reconstruction tragedy." The South saw no issues except those of reconstruction; and the Ku Klux Klan system and the skillful use of electoral machinery were so effective that the Republicans could hope for majorities only in South Carolina

Louisiana and Florida, where the Democrats said Federal troops had kept white voters away from the polls.

The double returns from these states produced a critical situation in Congress, where the president of the Senate had no authority to count either set of votes. For a while the peace of the nation was in danger. Finally, by the decision of the special electoral commission, the votes were counted for the Republican candidate. Hayes, a practical man who, though he believed that with a fair election the South would have given him forty electoral votes, saw the futility of supporting a government by force of arms, on his accession promptly withdrew the Federal troops from the South, leaving the former Confederate states to conduct their governments without Federal interference and to send ex-Confederates to represent them in both House and Senate. For this he was severely criticized by the radicals, who said, "The men who saved the Union should govern it." While he rewarded men of his own party at the South, he suggested Gen. Joe Johnson as a possible secretary of the navy. For postmaster-general he selected D. M. Key (of Tennessee), who had made conciliatory speeches in the South during the excitement resulting from the recent election. The shadow-of-a-government in Louisiana yielded and dissolved after electing a senator—Kellogg of Vermont, who was soon admitted by the Senate (by a vote of 30 to 28) as a rebuke to the Hayes policy. Packard, though he advised his party to continue its state organization, returned to Maine, declaring that the party could be saved only by the expulsion of the moderates from the President's cabinet. Chamberlain agreed no longer to press his claim in South Carolina and returning to Massachusetts, publicly criticized the President for

exposing the "brave Republicans of the South" to the danger of death. In the election of 1877 the Republicans made no nomination to oppose Hampton, who was reëlected.

Whites Control Negro Vote.

Soon, throughout the South, there was little left of the former Republican organization, except a mere shadow sustained by Federal offices in order to secure the votes which it could cast in national nominating conventions. The negro vote was reduced so that in no state was it large enough to endanger white supremacy, and finally not a single negro member sat in the House of Representatives—not even the member from the South Carolina sea islands.

After 1876, the dominant whites who had regained their power and had complete control of the election machinery controlled the negro vote and maintained their mastery by every devise known to politicians—many of which, it must be admitted with regret, were not methods of law or honor or fair play, but seemed the most expeditious means of securing the desired end. As a result, in national elections in 1880, the Republican ticket led by Garfield was opposed by a solid South, which eight years before had ten states that had been carried by Republicans—and in 1884, Blaine, the only surviving statesman of the old reconstruction group who was still in active life, attributed his defeat by Cleveland to the suppression of the colored vote at the South. Lamar, in his famous controversy with Blaine, gravely held that the negro had come to recognize that his true interests were better protected under the control of the Democrats. Others in explaining the decreased Republican vote said that the negro was so busy with

economic prosperity that he had lost interest in politics!

In the Democratic party at the South there were noticeable changes. The wealthier class gradually lost its control. The newer real democracy which grasped the reins of government succeeded to the control of state politics, and adopted the spoils system at a time when it was being attacked elsewhere by the development of national civil service reform.

Under President Cleveland's administration the South took a more lively interest in national politics. It was duly recognized by the appointment of Lamar and Garland in the cabinet, and by many appointments in the diplomatic and consular service, which furnished the text for campaign speeches on preference shown to "Confederate brigadiers." At the South, where there was a demand for a clean sweep of Federal officeholders, many who had neglected public duty to do private work, or "to do party service by secret and sinister manipulation of public voters," were suspended and conservatives appointed in their places.

After the defeat of 1884, Republican demands to prevent suppression of the negro vote were renewed to increase Republican political power and with the avowed purpose of adjusting inequalities of representation in Congress. In 1890 an attempt was made to secure a law to prevent terrorizing of voters and suppression of votes, but it was abandoned for various reasons—chiefly because it would have generated bad blood and distrust which would have aggravated existing evils.

Negro Vote Reduced by Amendments to State Constitutions and by Other Methods.

At the same time events at the South were strengthening a determined movement for additional

means of reducing the negro vote by state constitutional amendment. The People's or Populist party —the heir of the Greenback party and the Southern (Farmer's) Alliance, the latter having been organized to agitate the free coinage of silver, abolition of national banks, a large issue of treasury notes, an income tax and public ownership of transportation companies—especially strong in the South, exercised a controlling influence in the election of 1890. It pledged to its principles one-half the members of the legislature in Alabama, two-thirds in South Carolina, and even a larger proportion in Missouri and Georgia. It chose the governors of Georgia, South Carolina and Tennessee, and elected several members of Congress from the South. Again, in 1892, allied with the Republicans, it elected several state officers and members of Congress—included one colored. In 1894 and 1896 it attained considerable strength in Texas, which, however, continued to be regularly Democratic by large majorities. In Alabama and elsewhere the movement tended to produce a division of the whites into two parties.

In the presidential election of 1892, though the Republicans had practically dropped the subject, the Democrats shrewdly made the force bill the issue at the South, endeavoring to maintain the solid Democratic majorities by reawakening the fear of negro domination. They were successful—enabling the national party to secure the presidency and the control of both House and Senate. In the new Cleveland cabinet they were represented by Carlisle, of Kentucky, as secretary of treasury, Herbert, of Alabama, as secretary of the navy, and Hoke Smith, of Georgia, as secretary of interior. Crisp, of Georgia, had already been elected speaker of the House in 1891 and was reëlected in 1893, and R. Q.

Mills, of Texas, was chairman of the committee on ways and means.

The Democrats of the South, determined to maintain white supremacy, but not blind to the future evils which might result from the illegal methods which they frankly admitted were used to maintain it, and also fearing division of the white vote by the growth of the Populist party, gradually evolved a plan to eliminate the negro vote legally by a change in the qualifications for voters. In 1890, Mississippi inserted a "reading" or "understanding" clause in her constitution which placed the whites legally in the majority. Of the 147,000 negroes over the age of twenty-one only 37,000 could read, and only 8,615 registered. In 1895 South Carolina followed with an "understanding" clause and a system so complicated that the man who drew the suffrage provision lost his vote at the following election because he forgot to fulfill all the formalities. In 1898 Louisiana, by the adoption of this plan with the addition of a "grandfather" clause and an elaborate system of options in favor of the whites, reduced the number of registered negroes from 127,000 (in 1896) to 7,000—which was further reduced to 5,300 in 1900. In 1900 North Carolina, which had been carried by a combination of Populists and Republicans in the elections of 1894 and 1896, but had returned to the Democratic column again in 1898, by popular vote ratified a constitutional amendment which disfranchised the uneducated negroes. The Republicans of western North Carolina favored the constitutional amendment on the ground that they wished to build up a white Republican party. In 1901, in Alabama, where such conservative leaders as Governor Jones and General Oates doubted the wisdom of the disfranchisement movement, the determined action of the mass of the whites secured a revision of the con-

stitution, which resulted in the registration of only 5,000 negroes in a total of 130,000 negroes of the voting age. In 1902 Virginia adopted a constitution with a similar amendment. In Mississippi, Louisiana and Virginia the change was made without ratification by popular vote. In Maryland, where the negroes constitute less than one-fourth of the total population, a similar constitutional amendment was defeated in 1905 only by an appeal to the foreign voter and was proposed again in 1908-9. The great majority of Southern whites, who paid nearly all the taxes and felt that white-man rule is necessary to Southern progress, were determined to rule—justifying themselves on grounds of natural right and expediency. It was not a theory of government which confronted them, but a condition which upset the American theories of government as advocated by the followers of Thaddeus Stevens and Charles Sumner. It is a condition whose recognition is not confined to Southern Democrats. The Republican leaders in the South are white, and in character very much like Democratic leaders. The old reconstruction type of leader has become extinct, and the day of the negro boss has passed. Recently it has been said that the practical disfranchisement of the negro will prove a blessing to the Republican party, whose reputation had been lowered by negro affiliations. In North Carolina, for years there was a strong effort of the better elements of the Republican party to break from the negroes, and the only elections won by the party in recent years have been carried entirely by the white vote. In 1902 the Republican state convention in North Carolina, as in several other Southern states, refused to admit negroes to its membership—seeking to break the "solid South" by the elimination of the race question from party politics and by making other issues paramount.

100°
95°
90°
40°
35°
30°
25°
IOWA
NEBRASKA
KANSAS
COLORADO
MISSOURI
ARKANSAS
OKLAHOMA
TEXAS
LOUISIANA
MEXICO
GULF
STAKED PLAIN
Kansas City
St. Louis
Oklahoma
Fort Worth
Dallas
Houston
San Antonio
Galveston
Pine Bluff
Lincoln
Topeka
Omaha
Wichita
Tulsa
Sherman
Austin
Galveston Bay
Matagorda Bay
Rio Grande del Norte
Longitude
West from
El Paso
Pecos
Sierra Blanca
Marfa
Alpine

THE STATES OF THE SOUTH, 1909.
SCALE OF MILES
0 25 50 100 200 300
Greenwich
85°
80°
75°
35°
30°
25°
OHIO
INDIANA
ILLINOIS
KENTUCKY
TENNESSEE
MISSISSIPPI
ALABAMA
GEORGIA
FLORIDA
SOUTH CAROLINA
NORTH CAROLINA
VIRGINIA
WEST VIRGINIA
PENN.
MARYLAND
DELAWARE
Cincinnati
Louisville
Evansville
Indianapolis
Columbus
Springfield
Dayton
Marietta
Wheeling
Baltimore
Washington
Alexandria
Fredericksburg
Charlottesville
Richmond
Lynchburg
Petersburg
Norfolk
Portsmouth
Old Pt Comfort
Suffolk
Roanoke
Rocky Mt.
Weldon
Wilmington
Cape Fear
Goldsboro
Raleigh
Greensboro
Durham
Rocky Mount
Henderson
Kelford
Plymouth
Belhaven
Pamlico Sd.
Albemarle Sd.
Newbern
Morehead City
Beaufort
Jacksonville
Hamlet
Wilson
Fayetteville
Salisbury
Statesville
Asheville
Hickory
Lenoir
Morristown
Knoxville
Chattanooga
Nashville
Memphis
Columbia
Florence
Charleston
Port Royal
Savannah
Augusta
Atlanta
Macon
Columbus
Montgomery
Selma
Mobile
Birmingham
Anniston
Gadsden
Huntsville
Decatur
Florence
Tuscumbia
Sheffield
Corinth
Jackson
Vicksburg
Meridian
Hattiesburg
Laurel
Natchez
New Orleans
Lake Pontchartrain
Lake Borgne
Cape San Blas
Pensacola
Tallahassee
St. Marks
Apalachicola
Jacksonville
St. Augustine
Palatka
Gainesville
Ocala
Daytona
Sanford
Orlando
Tavares
Leesburg
Lake Eustis
Lakeland
Tampa
Tampa Bay
St. Petersburg
Bartow
Arcadia
Punta Gorda
Charlotte Harbor
Lake Okeechobee
Jupiter
Jupiter Inlet
Palm Beach
Miami
The Everglades
Ten Thousand Islands
Key West
Florida Keys
Straits of Florida
Bay of Florida
Gulf of Mexico
Atlantic Ocean
Great Bahama
Havana
Cardenas
Cuba
Cape Fear
Cape Hatteras
Cape Lookout
Cape Romain
Georgetown
Conway
Lancaster
Chester
Greenville
Spartanburg
Anderson
Walhalla
Clinton
Laurens
Abbeville
Edgefield
Aiken
Orangeburg
Blackville
Branchville
Waterboro
Santee R.
Yorkville
Blackburg
Statesville
Mooresville
Salisbury
Concord
Charlotte
Monroe
Wadesboro
Rockingham
Hamlet
Maxton
Lumberton
Fayetteville
Burgaw
Jacksonville
Newbern
Kinston
Goldsboro
Wilson
Tarboro
Roanoke R.
Edenton
Elizabeth City
Norfolk
Portsmouth
Suffolk
Old Pt Comfort
Williamsburg
Yorktown
Gloucester
Tappahannock
Urbanna
Saluda
Middlesex
Essex
Caroline
Hanover
Louisa
Fredericksburg
Orange
Culpeper
Warrenton
Fauquier
Loudoun
Alexandria
Washington
Baltimore
Annapolis
Chesapeake Bay
Eastern Shore
Delaware
Lewes
Milford
Dover
Smyrna
Middletown
Wilmington
Chadbourn
Whiteville
Conway
Georgetown
Lanes
Kingsville
Camden
Columbia
Florence
Darlington
Bennettsville
Chesterfield
Pageland
Lancaster
Yorkville
Gaffney
Spartanburg
Greenville
Anderson
Walhalla
Seneca
Clinton
Laurens
Greenwood
Abbeville
Edgefield
McCormick
Aiken
Orangeburg
Blackville
Branchville
Waterboro
Santee R.
Georgetown
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Yorkville
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Spartanburg
Greenville
Anderson
Walhalla
Seneca
Clinton
Laurens
Greenwood
Abbeville
Edgefield
McCormick
Aiken
Orangeburg
Blackville
Branchville
Waterboro
Santee R.
Charleston
Port Royal
Beaufort
Savannah
Augusta
Thomson
Warrenton
Sandersville
Tennille
Millen
Green Pond
Statesboro
Swainsboro
Dublin
Lyons
Stillmore
Reidsville
Vidalia
Jesup
Waycross
Brunswick
Darien
Sunbury
Savannah
Augusta
Thomson
Warrenton
Sandersville
Tennille
Millen
Green Pond
Statesboro
Swainsboro
Dublin
Lyons
Stillmore
Reidsville
Vidalia
Jesup
Waycross
Brunswick
Darien
Sunbury
Fort Valley
Perry
Hawkinsville
Abbeville
Cordele
Americus
Montezuma
Oglethorpe
Ashburn
Tifton
Albany
Thomasville
Bainbridge
Quitman
Valdosta
Nashville
Douglas
Fitzgerald
Ocilla
Irwinville
Tifton
Albany
Thomasville
Bainbridge
Quitman
Valdosta
Nashville
Douglas
Fitzgerald
Ocilla
Irwinville
Dawson
Cuthbert
Eufaula
Clayton
Union Springs
Hurtsboro
Tuskegee
Auburn
Opelika
Roanoke
Talladega
Gadsden
Attalla
Guntersville
Scottsboro
Huntsville
Athens
Pulaski
Lawrenceburg
Columbia
Mt. Pleasant
Spring Hill
Greenville
Evergreen
Searight
Flomaton
Pollard
Brewton
Atmore
Bay Minette
Foley
Gulf Shores
Orange Beach
Fort Morgan
Dauphin Island
Mobile Bay
Mobile
Citronelle
Mt. Vernon
Grand Bay
Bayou La Batre
Pascagoula
Gulfport
Biloxi
Ocean Springs
Pass Christian
Bay St. Louis
Waveland
Lake Pontchartrain
Lake Borgne
New Orleans
Metairie
Kenner
Gretna
Algiers
Westwego
Harvey
Avondale
Bridge City
Marrero
Belle Chasse
Pointe a la Hache
Venice
Buras
Empire
Port Sulphur
Boothville
Pilottown
Head of Passes
Southwest Pass
South Pass
Mississippi River Delta
Gulf of Mexico
Atlantic Ocean
Florida Keys
Key West
Straits of Florida
Bay of Florida
Ten Thousand Islands
The Everglades
Miami
Palm Beach
Jupiter Inlet
Jupiter
Lake Okeechobee
Arcadia
Punta Gorda
Charlotte Harbor
Tampa Bay
St. Petersburg
Bartow
Lakeland
Lake Eustis
Leesburg
Eustis
Tavares
Sanford
Orlando
Daytona
Ocala
Gainesville
Palatka
St. Augustine
Jacksonville
Fernandina
Amelia Island
Cumberland Sd.
Brunswick
Darien
Sunbury
Savannah
Beaufort
Port Royal
Charleston
Georgetown
Conway
Lanes
Kingsville
Camden
Columbia
Florence
Darlington
Bennettsville
Chesterfield
Pageland
Lancaster
Yorkville
Gaffney
Spartanburg
Greenville
Anderson
Walhalla
Seneca
Clinton
Laurens
Greenwood
Abbeville
Edgefield
McCormick
Aiken
Orangeburg
Blackville
Branchville
Waterboro
Santee R.
Wilmington
Cape Fear
Goldsboro
Raleigh
Greensboro
Durham
Rocky Mount
Henderson
Kelford
Plymouth
Belhaven
Pamlico Sd.
Albemarle Sd.
Newbern
Morehead City
Beaufort
Jacksonville
Hamlet
Wilson
Fayetteville
Salisbury
Statesville
Asheville
Hickory
Lenoir
Morristown
Knoxville
Chattanooga
Nashville
Memphis
Columbia
Florence
Charleston
Port Royal
Beaufort
Savannah
Augusta
Atlanta
Macon
Columbus
Montgomery
Selma
Mobile
Birmingham
Anniston
Gadsden
Huntsville
Decatur
Florence
Tuscumbia
Sheffield
Corinth
Jackson
Vicksburg
Meridian
Hattiesburg
Laurel
Natchez
New Orleans
Lake Pontchartrain
Lake Borgne
Cape San Blas
Pensacola
Tallahassee
St. Marks
Apalachicola
Jacksonville
St. Augustine
Palatka
Gainesville
Ocala
Daytona
Sanford
Orlando
Tavares
Leesburg
Lake Eustis
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Tampa Bay
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Atlantic Ocean
Great Bahama
Havana
Cardenas
Cuba

Tendency Toward Greater Freedom in Politics.

Though in the presidential elections from 1880 to 1892 the South was unswerving in her Democratic alliances, more recently—since she has been left to solve the question of regulating negro suffrage without Federal interference, and since she has received larger visions of national economy and political issues affecting her wide interests—her people have shown a natural inclination toward greater freedom in politics and a tendency to break away from the sentiments and traditions of past political affiliations, and to feel less justified in maintaining the Democratic solidity of the South. In fact, especially since the Spanish-American War, changes have been so marked in some localities that even leaders of judicial cast of mind in some instances, in spite of the surviving views of old-school politicians, have expressed reasons for expecting that the weak Republican organization at the South will be transformed, revivified and strengthened. McKinley began to make his party popular in the South. In the election of 1898, under the influence of the currency issue, the Republicans carried Maryland. They also made large gains in several cities of the South. They won Chattanooga, and almost defeated the "free silver" ticket in Charleston, Nashville and Memphis. In 1900 Maryland again voted for McKinley. In 1904, when the Democratic party received no majorities at the North, Missouri voted for Roosevelt; and it supported Taft four years later. Maryland gave its popular vote for Roosevelt, but its electoral vote was divided both in 1904 and in 1908. The election returns of the popular vote of 1908 show large Republican gains in North Carolina, Georgia and Tennessee, and small gains in Vir-

ginia, Alabama and Missouri. In Tennessee, where, in 1906, Brownlow was elected to Congress over both the Democratic candidate and the bolting Republican candidate, who had the support of the state machine, and where the negro has never been a great factor, the Democratic party has kept its control largely as a result of the Evans-Brownlow feud which has divided the Republicans—many of whom have become disgusted and have remained away from the polls or supported the Democratic candidates. At a meeting of the Southern Commercial Congress at Washington on Dec. 7, 1908, expressing sentiments similar to those expressed by General Luke E. Wright, of Tennessee, the ex-Confederate-Democratic member of Roosevelt's cabinet, Secretary Straus said he believed the time was near at hand when even politically it would be a misnomer to speak of the "solid South." In North Carolina, on the same day Taft, who, in a speech at Greensboro a year earlier, had said the Republican party at the South could be improved by the appointment of Southern Democrats to Federal positions, declared that there "ought to be a common ground upon which we can all stand in respect to the race question in the South and its political bearing, that takes away any justice for maintaining the continued solidity of the South to prevent the so-called negro domination," and he agreed: "That in all Southern states it is possible by election laws prescribing proper qualifications for the suffrage which square with the Fifteenth amendment and which shall be equally administered as between the black and the white races, to prevent entirely the possibility of domination of a Southern state, county or municipal government by an ignorant electorate, white or black."

The following table gives the total popular (presidential) vote of each of the great parties in the

Southern states, including West Virginia, for the period from 1864 to 1908:

	Democrat.	Republican.
1864	138,523	164,153
1868	688,189	587,899
1872	1,026,605	1,044,273
1876	1,417,435	894,984
1880	1,581,710	1,067,054
1884	1,747,465	1,250,198
1888	1,904,817	1,338,218
1892	1,885,469	1,063,185
1896	2,213,118	1,571,476
1900	1,867,996	1,465,932
1904	1,637,249	1,267,661
1908	1,868,052	1,341,080

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Chapter IV.

THE NEW SOUTH IN WAR AND DIPLOMACY, 1865-1909.

THE history of the United States since 1865 sharply divides into two periods. In the first of these, as before the war, domestic politics were reflected in foreign relations, but in the second foreign relations have deeply influenced domestic affairs. The war not only abolished slavery and the right of secession, but was the point of departure in two important directions. In the first place it developed a spirit of nationalism, which before had only been struggling for existence, and was now to show itself in many ways. In the second, it gave economic and political supremacy in the North and West. The South remained for a long time essentially agricultural, dependent politically upon the East or West, and perhaps this leadership can hardly be said to have ceased even yet. The result has been that Southerners, during the period, have had little to do with the diplomatic history of America.

There are some exceptions which should be noted. Thus, for example, Cassius M. Clay, of Kentucky, had been sent by Mr. Lincoln as minister to Russia, and was continued in office by succeeding presidents, and exercised marked influence in the acquisition of Alaska. During Cleveland's two terms the South came again, temporarily at least, into her own. It is to be remembered, also, that influence may be exercised and has been exercised in other ways than by personal agency. We have seen that a large part of the diplomatic questions which have come up in

the course of American history have related to Southern boundaries, territory or interests; and in these directions Southern influence has remained unchanged. It is true that slavery has ceased to figure in foreign diplomacy and the negro is a factor only in domestic affairs; but the outlook southward towards Mexico, the West Indies, and Panama may fairly be classed as embracing Southern subjects, for they concern the projection of our boundary and interests southward. It even fell to the lot of Hilliard, of Alabama—appointed by President Hayes to Brazil—to be influential in bringing about negro emancipation in that country.

Alaska Purchase; French Evacuate Mexico.

For ten or fifteen years after 1865, the chief interest of the country was in what is called "reconstruction." The dominant section attempted to reconstruct Southern ideas and institutions, while on the other hand the South became as united in political opposition as previously it had been in military resistance. As a result interest centred on these domestic problems, but nevertheless foreign questions arose, some of far-reaching importance. Alaska was purchased from Russia, the first non-contiguous extension of the United States, and a similar attempt was made to acquire the island of San Domingo and the Danish West Indies. The latter failed, however, for it was premature. It was an attempt of the ultra-nationalists to extend national boundaries before the country was fit to play a part in world politics. More appropriate was the compulsion exercised upon the French for the evacuation of Mexico, a measure which had been broached even before the close of the war as a means of uniting the North and South in a joint military effort which would restore political harmony be-

tween the sections. The result of this application of the Monroe Doctrine was the immediate fall of the Empire of Maximilian.

Alabama Claims.

During Grant's term came the dispute with Great Britain over claims for damages wrought by Confederate cruisers, notably the Alabama. The government of the United States insisted that these vessels had been equipped in violation of the international law of neutrality and that Great Britain should be liable for the damages inflicted. A change of administration in England resulted in an agreement as to neutral duties and in the Treaty of Washington, which, while covering other points, is famous more especially for leaving the claims question to arbitration. The tribunal of English, American and neutral representatives met at Geneva, and the contention of the United States for direct damages, amounting to fifteen and a half million dollars, was sustained, while the much larger claim for indirect damages was rejected. This was the first great application of arbitration and did much to establish it as part of American ideals, if not policies.

During Mr. Cleveland's time, Southerners, as being of his political party, came again into diplomatic positions. Hannis Taylor, of Alabama, went to Spain, James B. Eustis, of Louisiana, to France, J. W. Fearn, of Alabama, to Greece, and others to Central and South America, while Bayard, of Delaware, as secretary of state took high rank in directing all foreign relations. The Monroe Doctrine was expanded to meet new conditions in South America. Cleveland's celebrated message of 1895 practically forced Great Britain to submit to arbitration the boundary question in dispute with Venezuela.

Cuban Relations End in War with Spain.

The second great period in American post-bellum history was to grow out of an old subject; the relations of the United States to Cuba, in which Mr. Cleveland showed great interest.

History is often written in prejudice and one of the instances is that which concerns this subject. In the time when the Monroe Doctrine was being formulated the United States made strong declarations as to the island. In 1848, President Polk offered to buy it from Spain for $10,000,000, and it will be recalled that the Ostend Manifesto declared the same policy, the amount then in mind being supposed to be $120,000,000. Previous to the war abolitionist writers declared that this interest was due to a Southern desire to extend slave territory. Curiously enough, however, the same interest intensified has existed since the abolition of slavery, and Europe then deemed it due to Northern land-hunger.

The fact is that the one charge was as unfounded as the other. Naturally Cuba is a part of the American system, and must always be within the American sphere of influence. Added to that, the Cuban people have had grievances against their home government, and the intimate relations, due to proximity and to interchange of products and immigrants, has always caused a strong interest, particularly in the South.

This was never greater than upon the seizure of the *Virginius,* an American filibustering vessel, during the Cespedes rebellion of 1868-78. At Santiago, fifty-three prisoners, many of them Americans, were shot in the public square, and intense indignation was aroused in the United States; but, because the seizure had been in British waters, it was a British man-of-war which interfered and ended the slaughter.

No doubt ambition and the hope of gain prompted many of the expeditions, but sympathy for the insurgents had its share. The insurrection was ended by Spanish promises of reform, but they were ill-kept, and in 1895, during the presidency of Mr. Cleveland, another one broke out, engineered by exiles in New York. This was destined to prove more important because American property and commercial interests were larger than ever before, and the Spanish methods of repression were more stringent. The President filled the office of consul general by the appointment of Fitzhugh Lee, of Virginia, the distinguished Confederate officer, nephew of Robert E. Lee. To him reported all consuls in Cuba and his own reports were the basis of American policy. He filled the position with tact and ability, and upon the accession of President McKinley was continued in office.

The tale which he had to relate affected the pocket, the heart and the conscience of America. The rebels laid waste the eastern half of the island, and the Spanish governor, General Weyler, by a system of "reconcentration" drove the peasants of the western half from their homes and made them concentrate in ever-narrowing circles about the cities. Trade and commerce were paralyzed, agricultural production annihilated, famine and death stalked everywhere. The feeling in America was so intense as to threaten intervention on grounds of humanity. The President sent the United States man-of-war *Maine,* nominally on a visit of courtesy, and on the night of Feb. 15, 1898, the news was flashed over the world that the vessel had been blown up by a submarine mine. Investigation failed to fix the responsibility on the Spanish government, but "Remember the Maine" became a cry too strong to be resisted. Spain offered autonomy to the island, but

the Cubans would have nothing short of independence, and finally, on April 22, the United States began war by a blockade of Cuban ports. The first blood shed is said to have been that of a Southerner.

An army was organized and camps established at different points, mainly in the South, as at Chickamauga. The Southern states furnished their quotas of troops promptly, and Northerner and Southerner stood, in blue again, side by side in a common cause. Fitzhugh Lee had been made a general in command of one of the divisions of the American army, but it did not get beyond Florida. The Confederate cavalryman Joseph Wheeler, however, was in the expedition which operated about Santiago, and this quaint, chivalrous little gentleman became one of the heroes of the time. Santiago surrendered early in July, after several engagements, but it was naval operations which determined the result of the war.

Admiral Dewey sailed from Hong Kong with instructions to capture or destroy the Spanish fleet in the Philippines, and on May first won the remarkable battle of Manila Bay. The fleet in American waters was at first divided into three divisions, with Sampson in command at Key West, and the flying squadron under Commodore Winfield Scott Schley, of Maryland, in Hampton Roads. The original plan had been to attack Havana, but this was changed, and the course of the war was determined by the search for Cervera's squadron sent from Spain. This was finally located in Santiago harbor, and possibly the most striking event of the war was the attempt of Richmond Pearson Hobson, of Alabama, to sink the collier *Merrimac* across the narrow entrance. With him were but eight men, of whom none were lost, and Cervera chivalrously sent a message to the American commander that "Your boys will be all right in our hands. Daring like theirs

makes the bitterest enemy proud that his fellowmen can be such heroes."

The approaching fall of Santiago in consequence of the land attack compelled Cervera to take his fleet out, and upon his doing so July 3, 1898, ensued the second great naval battle of the war. It has been questioned to whom the credit should be given. Sampson claimed to be in command, but was miles away, and a President of the United States has decided that it was a captains' battle, apparently with no one in command. Nevertheless upon Commodore Schley rested the actual operations. Whatever may be the answer as to the question of command, Schley's remark that "there is glory enough for all" was true, and his name will ever be associated with the victory.

We cannot, of course, undertake to give a history of the short war, and, indeed, the operations were few and for the Americans almost bloodless. Soon Spain sued for peace, and the Treaty of Paris, Dec. 10, 1898, secured to the United States far more than they had sought at the beginning. Cuba was left free to work out her own destiny under American supervision, Porto Rico was ceded to the United States, and the Philippines nominally purchased for the price of $20,000,000.

The chief result of the war, however, was not so much the withdrawal of Spain from the western hemisphere, as the new position of America. From isolation, the United States entered at a bound into world politics.

The Monroe Doctrine had interested the country in Central and South America, and the acquisition of Porto Rico and protectorate over Cuba must tend to accentuate these relations with Spanish America. The interest and influence of the South must ever grow in these directions.

Hawaii and the Philippine Islands.

But the Peace of Paris has done more than this. It has given America interests and standing in the Pacific of commanding importance. The United States had from early times practically exercised a protectorate over Hawaii at the crossroads of the Pacific, and these islands were now annexed by virtue of a revolution. Mr. Cleveland questioned the *bona fides* of the insurrection, but McKinley cut the Gordian knot. A logical if not necessary result was the appropriation of Panama by similar methods under the succeeding administration, and the Nicaragua Canal project fell into the background. There was at last realized the claim of ante-bellum presidents that the canal was really a part of the coast line of the United States, and the United States began its construction across the isthmus of Panama.

These momentous events were followed by the Peace Conference at the Hague in 1899. Of the five representatives of the United States, as with the Commissioners who drew the Treaty of Paris, none were from the South, nor did the questions discussed or the international code adopted relate to Southern subjects or Southern territory, except so far as the Monroe Doctrine was concerned in the guarded reservation of the United States' traditional attitude towards purely American subjects. It is doubtful if Southern statesmen would have been so indefinite.

Far away in the Philippines an ex-Confederate general was about this time showing diplomatic skill and illustrating the national loss in not using more diplomats from his part of the country. In 1900, Luke E. Wright, of Tennessee, was appointed member of the Philippine Commission, and was in charge of the police of the islands. So familiar did he become with conditions, so efficient in meeting them,

that three years later, upon the promotion of Mr. Taft, the President naturally appointed General Wright to succeed as governor-general. The position was one of great difficulty, for it was the first experiment of America in the government of dependencies, dependencies inhabited by people of foreign speech and coveted by more than one of great powers of the world. Colonies had always been primarily exploited for the benefit of the mother country, even if in course of time among the Anglo-Saxons they have been allowed to develop into self-governing communities. Here, however, was a protectorate assumed for the benefit of the Filipinos, and carried out with the triple aim of pacifying the islands, paternally looking after the people, and practically educating them for future self-government. It was a task unprecedented in the history of the world, but one faithfully and well performed.

Influence can be exercised in diplomatic affairs not only through territory and subjects concerned, and by the personality of the diplomat, but in authorship also. The great names among the early American writers on international law have been Wheaton and Wharton, besides others of lesser fame, and they were not Southerners; but in 1900 appeared *The International Public Law* by Hannis Taylor, the ex-minister to Spain, which aimed to re-state and present the subject from a modern point of view.

Such, then, is the story of the South in foreign relations since 1865. Circumstances have largely prevented Southerners from occupying high positions, but the exceptions permitted have shown that the loss is as much to the country at large as to the South. It is true that Southern interests as such have been less prominent than in ante-bellum days, but Northern interests also have been less prominent except so far as these are represented by commercial

and tariff treaties. The reason is that through railroads, telegraph, and other means of communication the country has become more unified and that national interests now predominate in foreign relations.

The original colonization from Europe gave an outlook over the Atlantic, and American growth has only proved that the best markets and commerce for both North and South are in that direction. The Monroe Doctrine claimed the western hemisphere as within the sphere of the enlarged America resulting from the Louisiana Purchase. The Mexican War was not, any more than the Florida Purchase, an evidence of hostility to Spanish America; the United States under Southern auspices were merely assuming the limits necessary for their best growth and development. The War of Secession had bad effects in checking temporarily the influence of the South in the councils of the country; but beyond welding the sections into a true nation it will in the long run be merely an episode in American history. The Spanish War has caused its memory to grow dim and opened a vista to all America. One result will be the development of the Pacific Coast, but that section is the offspring of North and South, and cannot exist without them. The South gave the Union its growth and strength; the South will do no less for the new America in the field of world politics.

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